

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D34231
W/prt

_____AD3d_____

Submitted - February 2, 2012

WILLIAM F. MASTRO, A.P.J.
REINALDO E. RIVERA
PETER B. SKELOS
MARK C. DILLON, JJ.

2002-10074

DECISION & ORDER

The People, etc., respondent,
v Timothy Lewis, appellant.

(Ind. No. 723/01)

Timothy Lewis, Elmira, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Daniel Bresnahan of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), former appellate counsel.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated November 14, 2006 (*People v Lewis*, 34 AD3d 599), affirming a judgment of the Supreme Court, Queens County, rendered October 16, 2002.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

MASTRO, A.P.J., RIVERA, SKELOS and DILLON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 20, 2012

PEOPLE v LEWIS, TIMOTHY