

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

D34894
W/kmb

_____AD3d_____

WILLIAM F. MASTRO, A.P.J.
REINALDO E. RIVERA
MARK C. DILLON
ARIEL E. BELEN, JJ.

2004-03440

DECISION & ORDER

The People, etc., respondent,
v Marc Tucker, appellant.

(Ind. No. 396/03)

Marc Tucker, Ossining, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Traill, and Gretchen Robinson of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh 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 September 30, 2008 (*People v Tucker*, 54 AD3d 1065), affirming a judgment of the Supreme Court, Queens County, rendered April 2, 2004.

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, DILLON and BELEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

May 15, 2012

PEOPLE v TUCKER, MARC