

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

D36143
W/kmb

_____AD3d_____

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
L. PRISCILLA HALL, JJ.

2009-10332

DECISION & ORDER

The People, etc., respondent,
v James Anderson, appellant.

(Ind. No. 2085-08)

James Anderson, Pine City, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

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 April 17, 2012 (*People v Anderson*, 94 AD3d 1010, *lv denied* 19 NY3d 956), affirming a judgment of the County Court, Suffolk County, rendered October 7, 2009.

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).

DILLON, J.P., ANGIOLILLO, DICKERSON and HALL, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 10, 2012

PEOPLE v ANDERSON, JAMES