

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

D36145  
O/kmb

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REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2006-09076

DECISION & ORDER

The People, etc., respondent,  
v Carlton Byrd, appellant.

(Ind. No. 05-01293)

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Carlton Byrd, Stormville, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Maria I. Wager and Steven A. Bender of counsel), for respondent.

John R. Lewis, Sleepy Hollow, N.Y., 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 July 22, 2008 (*People v Byrd*, 53 AD3d 622), affirming a judgment of the County Court, Westchester County, rendered August 23, 2006.

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).

RIVERA, J.P., SKELOS, LEVENTHAL and BELEN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

October 10, 2012

PEOPLE v BYRD, CARLTON