

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

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MARK C. DILLON, J.P.  
CHERYL E. CHAMBERS  
SANDRA L. SGROI  
ROBERT J. MILLER, JJ.

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2003-08027

DECISION & ORDER

The People, etc., respondent,  
v Kevin Bailey, appellant.

(Ind. No. 5440/02)

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Kevin Bailey, Romulus, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Seth H. Lieberman, and Bruce Alderman of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Denise A. Corsí 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 December 19, 2005 (*People v Bailey*, 24 AD3d 684), affirming a judgment of the Supreme Court, Kings County, rendered August 13, 2003.

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., CHAMBERS, SGROI and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

December 5, 2012

PEOPLE v BAILEY, KEVIN