

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

D54648  
T/htr

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MARK C. DILLON, J.P.  
RUTH C. BALKIN  
JEFFREY A. COHEN  
JOSEPH J. MALTESE, JJ.

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2009-11111

DECISION & ORDER

The People, etc., respondent,  
v David Bernard, appellant.

(Ind. No. 0002/07)

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David Bernard, Comstock, NY, appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, Ellen C. Abbot, and Antara D. Kanth of counsel), for respondent.

Paul Skip Laisure, New York, NY (Steven R. Bernhard of counsel), former appellate counsel.

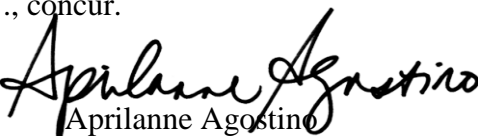
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated November 21, 2012 (*People v Bernard*, 100 AD3d 916), affirming a judgment of the Supreme Court, Queens County, rendered November 17, 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., BALKIN, COHEN and MALTESE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 21, 2018

PEOPLE v BERNARD, DAVID