

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

D57313
C/afa

_____AD3d_____

RUTH C. BALKIN, J.P.
JEFFREY A. COHEN
COLLEEN D. DUFFY
VALERIE BRATHWAITE NELSON, JJ.

2010-09434

DECISION & ORDER

The People, etc., respondent,
v Donnell Festus, appellant.

(Ind. No. 3109/08)

Donnell Festus, Attica, NY, appellant pro se.

Timothy D. Sini, District Attorney, Riverhead, NY (Timothy P. Finnerty 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 November 25, 2015 (*People v Festus*, 133 AD3d 876), affirming a judgment of the Supreme Court, Suffolk County, rendered September 1, 2010.

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).

BALKIN, J.P., COHEN, DUFFY and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

November 14, 2018

PEOPLE v FESTUS, DONNELL