

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Zalevsky

2026 NY Slip Op 00389 · No. 2007-05887 · Decided January 28, 2026

SUMMARY

The Appellate Division, Second Department denied Gregory Zalevsky's application for a writ of error coram nobis seeking to vacate a prior decision on the ground of ineffective assistance of appellate counsel. The court held that the appellant failed to establish that he was denied effective assistance of appellate counsel.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Hector D. LaSalle, P.J.; Colleen D. Duffy, J.; Lillian Wan, J.; Janice A. Taylor, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	January 28, 2026
DOCKET	2007-05887
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The appellant applied for a writ of error coram nobis to vacate the Appellate Division's prior decision affirming or otherwise determining his appeal, alleging ineffective assistance of appellate counsel.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Gregory Zalevsky v. The People of the State of New York

TOPICS

- post-conviction relief
- ineffective assistance
- appellate procedure
- criminal procedure
- state post-conviction relief

PRACTICE AREAS

- criminal procedure
- appellate procedure
- post-conviction relief
- ineffective assistance

QUESTIONS PRESENTED

1. Whether the appellant established that he was denied the effective assistance of appellate counsel so as to warrant coram nobis relief from the Appellate Division's prior decision.

HOLDINGS

1. The application for a writ of error coram nobis was denied because the appellant failed to establish that he was denied the effective assistance of appellate counsel.

KEY QUOTATIONS

*“The appellant has failed to establish that he was denied the effective assistance of appellate counsel” (*1)*

FACTUAL BACKGROUND

The opinion concerns Gregory Zalevsky's criminal judgment rendered by the Supreme Court, Kings County, on June 18, 2007. After the Appellate Division decided his appeal in 2011, Zalevsky sought a writ of error coram nobis, claiming that his appellate counsel had been constitutionally ineffective. The Appellate Division concluded that he failed to establish ineffective assistance of appellate counsel.

PROCEDURAL HISTORY

The application concerned an appeal from a judgment of the Supreme Court, Kings County, rendered June 18, 2007, under Indictment No. 4320/04. The Appellate Division had previously decided the appeal on March 22, 2011, reported at 82 AD3d 1136. The court denied the present coram nobis application.

DISPOSITION

writ_denied

CASES CITED

- People v. Zalevsky, 82 A.D.3d 1136
- Jones v. Barnes, 463 U.S. 745
- People v. Stultz, 2 N.Y.3d 277