

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

D13239  
O/cb

\_\_\_\_\_AD3d\_\_\_\_\_

HOWARD MILLER, J.P.  
DAVID S. RITTER  
FRED T. SANTUCCI  
GABRIEL M. KRAUSMAN, JJ.

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1990-00754

DECISION & ORDER

The People, etc., respondent,  
v Douglas Warmuth, appellant.

(Ind. No. 1566-86)

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Richard Michael Langone, Amityville, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Marion M. Tang 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 2, 1992 (*People v Warmuth*, 187 AD2d 473), affirming a judgment of the Supreme Court, Suffolk County, rendered April 28, 1988.

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).

MILLER, J.P., RITTER, SANTUCCI and KRAUSMAN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 26, 2006

PEOPLE v WARMUTH, DOUGLAS