

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

D13276
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_____AD3d_____

HOWARD MILLER, J.P.
GABRIEL M. KRAUSMAN
ROBERT A. SPOLZINO
ROBERT A. LIFSON, JJ.

2002-03774

DECISION & ORDER

The People, etc., respondent,
v Ralph Farino, appellant.

(Ind. No. 643-01)

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

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani, Grazia Divincenzo, Leonardo Lato, and Michael J. Miller 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 August 8, 2005 (*People v Farino*, 21 AD3d 427), affirming a judgment of the County Court, Suffolk County, rendered April 4, 2002.

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., KRAUSMAN, SPOLZINO and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 26, 2006

PEOPLE v FARINO, RALPH