

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
WILLIAM F. MASTRO, JJ.

1998-10549
1999-00955

DECISION & ORDER

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

(Ind. No. 636/98)

David Garcia, Attica, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jacqueline Linares 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, (1) a decision and order of this court dated June 18, 2001 (*People v Garcia*, 284 AD2d 479), affirming a judgment of the Supreme Court, Kings County, rendered October 26, 1998, and (2) a decision and order of this court also dated June 18, 2001 (*People v Garcia*, 284 AD2d 481), affirming a judgment of the same court rendered January 21, 1999.

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).

PRUDENTI, P.J., MILLER, SCHMIDT and MASTRO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 24, 2007

PEOPLE v GARCIA, DAVID