

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

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A. GAIL PRUDENTI, P.J.
ROBERT W. SCHMIDT
WILLIAM F. MASTRO
FRED T. SANTUCCI, JJ.

2002-07575

DECISION & ORDER

The People, etc., respondent,
v Patrick Baxter, appellant.

(Ind. No. 00-01415)

Patrick Baxter, Attica, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Lois Cullen Valerio and Anthony Servino 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 February 28, 2005 (*People v Baxter*, 15 AD3d 671), affirming a judgment of the Supreme Court, Westchester County, rendered July 10, 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).

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

ENTER:



James Edward Pelzer
Clerk of the Court

April 24, 2007

PEOPLE v BAXTER, PATRICK