

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

D16052
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_____AD3d_____

ROBERT W. SCHMIDT, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
THOMAS A. DICKERSON, JJ.

1996-04078

DECISION & ORDER

The People, etc., respondent,
v Jose Diaz, appellant.

(Ind. No. 4070/95)

Jose Diaz, Ossining, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Linda Breen 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 27, 2000 (*People v Diaz*, 277 AD2d 1064), affirming a judgment of the Supreme Court, Kings County, rendered March 25, 1996.

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).

SCHMIDT, J.P., RITTER, GOLDSTEIN and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 7, 2007

PEOPLE v DIAZ, JOSE