

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

D16321
C/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
STEPHEN G. CRANE, JJ.

1990-06071

DECISION & ORDER

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

(Ind. No. 1238/88)

Carlos Garcia, Comstock, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Ann Bordley 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 October 28, 1991 (*People v Garcia*, 176 AD2d 958), affirming a judgment of the Supreme Court, Kings County, rendered February 3, 1989.

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 CRANE, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

September 25, 2007

PEOPLE v GARCIA, CARLOS