

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

D16977
C/hu

_____AD3d_____

HOWARD MILLER, J.P.
WILLIAM F. MASTRO
GLORIA GOLDSTEIN
ROBERT A. LIFSON, JJ.

2004-00215

DECISION & ORDER

The People, etc., respondent,
v Joshua Klibanoff, appellant.

(Ind. No. 1066-03)

Joshua Klibanoff, Stormville, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Brennan of counsel),
for respondent.

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), former appellate
counsel.

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 September 13,
2004 (*People v Klibanoff*, 10 AD3d 847), affirming a sentence of the County Court, Suffolk County,
rendered December 18, 2003.

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., MASTRO, GOLDSTEIN and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 20, 2007

PEOPLE v KLIBANOFF, JOSHUA