

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

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_____AD3d_____

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
ROBERT A. LIFSON
ANITA R. FLORIO, JJ.

2000-05807

DECISION & ORDER

The People, etc., respondent,
v Mark Garrett, appellant.

(Ind. No. 1781-98)

Mark Garrett, Wallkill, N.Y., appellant pro se.

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

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III 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 June 28, 2004 (*People v Garrett*, 8 AD3d 676), affirming a judgment of the Supreme Court, Suffolk County, rendered June 13, 2000.

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).

RIVERA, J.P., SKELOS, LIFSON and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 18, 2008

PEOPLE v GARRETT, MARK