

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

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REINALDO E. RIVERA, J.P.  
FRED T. SANTUCCI  
HOWARD MILLER  
JOSEPH COVELLO, JJ.

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1997-09761

DECISION & ORDER

The People, etc., respondent,  
v Jua Smith, appellant.

(Ind. No. 1382/96)

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Seiff Kretz & Abercrombie, New York, N.Y. (Ronald R. Acevedo of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Guy Arcidiacono 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 May 3, 1999 (*People v Smith*, 261 AD2d 423), affirming a judgment of the County Court, Suffolk County, rendered September 10, 1997.

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., SANTUCCI, MILLER and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

March 25, 2008

PEOPLE v SMITH, JUA