

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

D20378
Y/kmg

_____AD3d_____

PETER B. SKELOS, J.P.
HOWARD MILLER
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2004-04546

DECISION & ORDER

The People, etc., respondent,
v Noel Licea, appellant.

(Ind. No. 10143/98)

Noel Licea, Pine City, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas M. Ross of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y., 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 October 2, 2007 (*People v Licea*, 44 AD3d 690), affirming a resentence of the Supreme Court, Kings County, imposed April 20, 2004.

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).

SKELOS, J.P., MILLER, COVELLO and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

September 16, 2008

PEOPLE v LICEA, NOEL