

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

D20505
Y/kmg

_____AD3d_____

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
PETER B. SKELOS
ROBERT A. LIFSON, JJ.

2002-09781

DECISION & ORDER

The People, etc., respondent,
v Wayne Gaskin, appellant.

(Ind. No. 1306-01)

Wayne Gaskin, Auburn, N.Y., appellant pro se.

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

Robert C. Mitchell, Riverhead, N.Y. (Robert B. Kenney 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 October 31,
2005 (*People v Gaskin*, 22 AD3d 864), affirming a judgment of the County Court, Suffolk County,
rendered October 10, 2002.

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., SPOLZINO, SKELOS and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 30, 2008

PEOPLE v GASKIN, WAYNE