

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

D21551  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
PETER B. SKELOS  
RUTH C. BALKIN, JJ.

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2006-00950

DECISION & ORDER

The People, etc., respondent,  
v Michael Tineo, appellant.

(Ind. Nos. 2762/04)

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Michael Tineo, Ossining, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Miller 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 June 26, 2007 (*People v Tineo*, 41 AD3d 876), affirming a judgment of the Supreme Court, Suffolk County, rendered January 9, 2006.

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).

MASTRO, J.P., RIVERA, SKELOS and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 23, 2008

PEOPLE v TINEO, MICHAEL