

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

D21710
O/kmg

_____AD3d_____

DAVID S. RITTER, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2004-03772

DECISION & ORDER

The People, etc., respondent,
v Marvin Osorio, appellant.

(Ind. No. 2319/01)

Marianne Karas, Armonk, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Sarah Spatt 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 March 4, 2008 (*People v Osorio*, 49 AD3d 562), affirming a judgment of the Supreme Court, Nassau County, rendered April 23, 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).

RITTER, J.P., FLORIO, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 30, 2008

PEOPLE v OSORIO, MARVIN