

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

D21922
W/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO, JJ.

2003-05644

DECISION & ORDER

The People, etc., respondent,
v Ola Highsmith, appellant.

(Ind. No. 02-932)

Ola Highsmith, Elmira, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass 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 September 19, 2005 (*People v Highsmith*, 21 AD3d 1037), affirming a judgment of the County Court, Orange County, rendered June 13, 2003.

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).

PRUDENTI, P.J., MASTRO, RIVERA and SPOLZINO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 27, 2009

PEOPLE v HIGHSMITH, OLA