

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

D23679
T/kmg

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

1999-11164

DECISION & ORDER

The People, etc., respondent,
v Nelson Guzman, a/k/a Baby, appellant.

(Ind. No. 2206/98)

Nelson Guzman, Wallkill, N.Y., appellant pro se.

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

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III 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 December 8, 2003 (*People v Guzman*, 2 AD3d 536), affirming a judgment of the County Court, Suffolk County, rendered November 4, 1999.

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, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 23, 2009

PEOPLE v GUZMAN, NELSON, a/k/a BABY