

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

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_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
ANITA R. FLORIO
HOWARD MILLER, JJ.

2001-02125

DECISION & ORDER

The People, etc., respondent,
v Antonio Cole, appellant.

(Ind. No. 99-00739)

Antonio Cole, Auburn, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass of counsel),
for respondent.

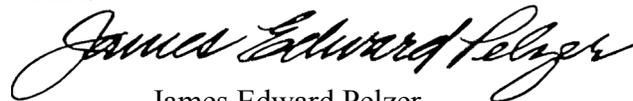
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated June 3, 2002 (*People v Cole*, 295 AD2d 360), affirming a judgment of the County Court, Orange County, rendered February 23, 2001.

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, FLORIO and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 7, 2009

PEOPLE v COLE, ANTONIO