

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

D23913
Y/kmg

_____AD3d_____

WILLIAM F. MASTRO, J.P.
ROBERT A. SPOLZINO
PETER B. SKELOS
ANITA R. FLORIO, JJ.

2003-07222

DECISION & ORDER

The People, etc., respondent,
v James Tatum, appellant.

(Ind. No. 2421/02)

James Tatum, Comstock, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Marion M. Tang of counsel),
for respondent.

Robert C. Mitchell, Riverhead, N.Y. (Robert B. Kenney of counsel), former appellate
counsel.

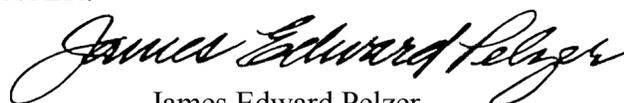
Application by the appellant for a writ of error coram nobis to vacate, on the ground
of ineffective assistance of appellate counsel, a decision and order of this Court dated April 3, 2007
(*People v Tatum*, 39 AD3d 57), affirming a judgment of the County Court, Suffolk County, rendered
July 24, 2003.

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).

MASTRO, J.P., SPOLZINO, SKELOS and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 14, 2009

PEOPLE v TATUM, JAMES