

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
MARK C. DILLON
CHERYL E. CHAMBERS, JJ.

2006-11161

DECISION & ORDER

The People, etc., respondent,
v Blair Garner, appellant.

(Ind. No. 1049-02)

Blair Garner, Stormville, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Miller 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 22, 2008 (*People v Garner*, 50 AD3d 1057), affirming a sentence of the County Court, Suffolk County, imposed October 12, 2006.

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, DILLON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 9, 2010

PEOPLE v GARNER, BLAIR