

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.

2003-00547

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.

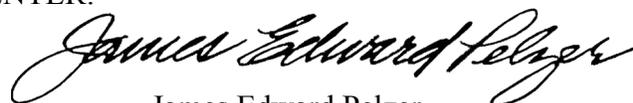
Application by the appellant for a writ of error coram nobis to vacate, on the ground
of ineffective assistance of appellate counsel, a decision and order of this Court dated March 28, 2006
(*People v Garner*, 27 AD3d 764), affirming a judgment of the County Court, Suffolk County,
imposed November 21, 2002.

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