

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
HOWARD MILLER, JJ.

1998-10549
1999-00955

DECISION & ORDER

The People, etc., respondent,
v David Garcia, appellant.

(Ind. No. 636/98)

David Garcia, Auburn, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Sholom J. Twersky, and Maria Park 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, two decisions and orders of this Court, both dated June 18, 2001 (*People v Garcia*, 284 AD2d 479; *People v Garcia*, 284 AD2d 481), affirming two judgments of the Supreme Court, Kings County, rendered October 26, 1998, and January 21, 1999, respectively.

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).

PRUDENTI, P.J., MASTRO, RIVERA and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 20, 2010

PEOPLE v GARCIA, DAVID