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
ANITA R. FLORIO, JJ.

2002-03090 DECISION & ORDER

The People, etc., respondent,
v Gilberto Olibencia, appellant.

(Ind. No. 01-198)

Gilberto Olibencia, Wallkill, N.Y., appellant pro se.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Carrie A. Ciganek 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 November 7, 2007 (*People v Olibencia,* 45 AD3d 607), affirming a judgment of the County Court, Rockland County, rendered March 12, 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).

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

ENTER:

James Edward Pelzer
Clerk of the Court

May 25, 2010

PEOPLE v OLIBENCIA, GILBERTO