

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
JOSEPH COVELLO, JJ.

2005-03889

DECISION & ORDER

The People, etc., respondent,
v Philip Caldarola, appellant.

(Ind. No. 04-00724)

Philip Caldarola, Stormville, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Maria Wager, Lois Cullen Valerio, and Richard Longworth Hecht of counsel), for respondent.

Norman A. Olch, New York, N.Y., 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 November 7, 2007 (*People v Caldarola*, 45 AD3d 600), affirming a judgment of the Supreme Court, Westchester County, rendered April 5, 2005.

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., RIVERA, SKELOS and COVELLO, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

September 28, 2010

PEOPLE v CALDAROLA, PHILIP