

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

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A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
PETER B. SKELOS, JJ.

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2003-06900  
2004-05254

DECISION & ORDER

The People, etc., respondent,  
v Efraim Diaz, appellant.

(Ind. No. 3169/01)

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Efraim Diaz, Auburn, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and John F. McGoldrick of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (De Nice Powell of counsel), former appellate counsel.

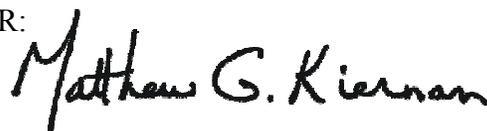
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated June 6, 2006 (*People v Diaz*, 30 AD3d 436), affirming a judgment of the Supreme Court, Queens County, rendered July 28, 2003.

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 SKELOS, JJ., concur.

ENTER:



Matthew G. Kiernan  
Clerk of the Court

February 15, 2011

PEOPLE v DIAZ, EFRAIM