

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

D32336
C/kmb

_____AD3d_____

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

2011-00252

DECISION & ORDER

The People, etc., respondent,
v Jose Torres, also known as Justo Negron, appellant.

(Ind. No. 2148/82)

Jonathan I. Edelstein, New York, N.Y. (Robert M. Grossman of counsel), for appellant.

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

Martin Goldberg, Franklin Square, 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 April 17, 1989 (*People v Torres*, 149 AD2d 635), affirming a judgment of the Supreme Court, Queens County, rendered March 28, 1984.

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

September 27, 2011

PEOPLE v TORRES, JOSE, also known as NEGRON, JUSTO