

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

D32377  
W/kmb

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A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
PETER B. SKELOS  
ANITA R. FLORIO, JJ.

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2004-01464

DECISION & ORDER

The People, etc., respondent,  
v Tito Greene, appellant.

(Ind. No. 877/02)

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Tito Greene, Stormville, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy Smiley and Andrea M. DiGregorio 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 October 24, 2006 (*People v Greene*, 33 AD3d 936), affirming a judgment of the County Court, Nassau County, rendered February 9, 2004.

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, SKELOS and FLORIO, JJ., concur.

ENTER:   
Matthew G. Kiernan  
Clerk of the Court

September 27, 2011

PEOPLE v GREENE, TITO