

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

D33175
O/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2007-06909

DECISION & ORDER

The People, etc., respondent,
v Joseph Forino, appellant.

(Ind. No. 1983/05)

Joseph Forino, Stormville, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Douglas Noll and Margaret E. Mainusch of counsel), for respondent.

Kent V. Moston, Hempstead, N.Y. (David A. Bernstein 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 September 22, 2009 (*People v Forino*, 65 AD3d 1259), affirming a judgment of the Supreme Court, Nassau County, rendered July 13, 2007.

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).

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

December 6, 2011

PEOPLE v FORINO, JOSEPH