

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

D33980
N/kmb

_____AD3d_____

WILLIAM F. MASTRO, A.P.J.
REINALDO E. RIVERA
PETER B. SKELOS
MARK C. DILLON, JJ.

2006-02844

DECISION & ORDER

The People, etc., respondent,
v Jose Fuentes, appellant.

(Ind. No. 2465/04)

Jose Fuentes, Pine City, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Amy Applebaum 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 February 5, 2008 (*People v Fuentes*, 48 AD3d 479, *affd* 12 NY3d 259), affirming a judgment of the Supreme Court, Kings County, rendered February 28, 2006.

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).

MASTRO, A.P.J., RIVERA, SKELOS and DILLON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

February 14, 2012

PEOPLE v FUENTES, JOSE