

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

D34006
O/kmb

_____AD3d_____

WILLIAM F. MASTRO, A.P.J.
PETER B. SKELOS
MARK C. DILLON
DANIEL D. ANGIOLILLO, JJ.

2004-10715

DECISION & ORDER

The People, etc., respondent,
v Carlos Cruz, appellant.

(Ind. No. 8978/03)

Carlos Cruz, Romulus, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Sholom J. Twerski of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine 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 December 4, 2007 (*People v Cruz*, 46 AD3d 567), affirming a judgment of the Supreme Court, Kings County, rendered November 22, 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).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

February 21, 2012

PEOPLE v CRUZ, CARLOS