

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

D35548
C/kmb

_____AD3d_____

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

2000-08504

DECISION & ORDER

The People, etc., respondent,
v Phillip Miller, appellant.

(Ind. No. 684/99)

Phillip Miller, Riverhead, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Thomas C. Costello 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 November 24, 2003 (*People v Miller*, 1 AD3d 613), affirming a judgment of the Supreme Court, Suffolk County, rendered August 7, 2000.

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

July 11, 2012

PEOPLE v MILLER, PHILLIP