

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

D35889  
W/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN, JJ.

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2005-08854

DECISION & ORDER

The People, etc., respondent,  
v Mark Orlando, appellant.

(Ind. No. 167/05)

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Mark Orlando, Dannemora, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Sarah S. Rabinowitz and Robert A. Schwartz 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 April 28, 2009 (*People v Orlando*, 61 AD3d 1001), affirming a judgment of the County Court, Nassau County, rendered August 18, 2005.

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).

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

August 22, 2012

PEOPLE v ORLANDO, MARK