

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

D36304
O/kmb

_____AD3d_____

RANDALL T. ENG, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS, JJ.

2003-02798

DECISION & ORDER

The People, etc., respondent,
v Arturo Montalvo, appellant.

(Ind. No. 1538/02)

Arturo Montalvo, Dannemora, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Thomas C. Costello of counsel), for respondent.

Michael P. Berkley, Garden City, N.Y., 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 November 14, 2006 (*People v Montalvo*, 34 AD3d 600), affirming a judgment of the County Court, Suffolk County, rendered March 10, 2003.

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).

ENG, P.J., MASTRO, RIVERA and SKELOS, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

November 7, 2012

PEOPLE v MONTALVO, ARTURO