

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

D54384
O/hu

_____AD3d_____

JOHN M. LEVENTHAL, J.P.
SANDRA L. SGROI
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2014-08692

DECISION & ORDER

The People, etc., respondent,
v Andrew Caballero, appellant.

(Ind. No. 1022/12)

Andrew Caballero, Comstock, NY, appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and Nancy Fitzpatrick Talcott 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 March 9, 2016 (*People v Caballero*, 137 AD3d 929), affirming a judgment of the Supreme Court, Queens County, rendered September 10, 2014.

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).

LEVENTHAL, J.P., SGROI, DUFFY and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 17, 2018

PEOPLE v CABALLERO, ANDREW