

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

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M/htr

_____AD3d_____

REINALDO E. RIVERA, J.P.
JEFFREY A. COHEN
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON, JJ.

2016-09632

DECISION & ORDER

The People, etc., respondent,
v Daniel Zapata, appellant.

(Ind. No. 1485-15)

Daniel Zapata, Coxsackie, NY, appellant pro se.

Timothy D. Sini, District Attorney, Riverhead, NY (Caren C. Manzello of counsel),
for respondent.

Del Atwell, East Hampton, NY, former appellate counsel.

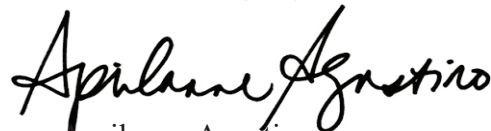
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated February 21, 2018 (*People v Zapata*, 158 AD3d 778), affirming a judgment of the County Court, Suffolk County, rendered July 27, 2016.

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., COHEN, HINDS-RADIX and BRATHWAITE NELSON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

October 3, 2018

PEOPLE v ZAPATA, DANIEL