

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Perez-Olivo

2026 NY Slip Op 03457 (Supreme Court of the State of New York Appellate Division Second Judicial
Department 2026) · No. 2008-11532 · Decided June 3, 2026

SUMMARY

The Appellate Division, Second Department denied Carlos Perez-Olivo’s application for a writ of error coram nobis seeking to vacate a prior decision on the ground of ineffective assistance of appellate counsel. The court held that the appellant failed to establish that he was denied effective assistance of appellate counsel.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Helen Voutsinas, J.; Donna-Marie E. Golia, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 3, 2026
DOCKET	2008-11532
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The appellant applied for a writ of error coram nobis seeking to vacate the Appellate Division's prior decision affirming his criminal judgment, alleging ineffective assistance of appellate counsel.
PRECEDENTIAL VALUE	Published
PARTIES	Carlos Perez-Olivo v. The People of the State of New York

TOPICS

- ineffective assistance
- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal procedure
- Post-conviction relief
- Appellate advocacy

QUESTIONS PRESENTED

1. Whether the appellant established that he was denied the effective assistance of appellate counsel and was therefore entitled to a writ of error coram nobis vacating the prior appellate decision.

HOLDINGS

1. The appellant was not entitled to coram nobis relief because he failed to establish that he was denied the effective assistance of appellate counsel.

FACTUAL BACKGROUND

The application challenged the effectiveness of appellate counsel in connection with the prior affirmance of the appellant's criminal judgment. The court concluded that the appellant failed to establish that he was denied effective assistance of appellate counsel.

PROCEDURAL HISTORY

The County Court, Westchester County, rendered a judgment on December 2, 2008. The Appellate Division affirmed that judgment in a decision and order dated April 22, 2015, reported at 127 AD3d 1110. Perez-Olivo then sought coram nobis relief from that affirmance, which the Appellate Division denied.

DISPOSITION

writ_denied

CASES CITED

- People v Perez-Olivo, 127 AD3d 1110
- Jones v Barnes, 463 US 745
- People v Stultz, 2 NY3d 277

OPINION

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PER CURIAM.

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Susan Quirk, JJ. Carlos Perez-Olivo, Napanoch, NY, appellant pro se. Susan Cacace, District Attorney, White Plains, NY (Raffaelina Gianfrancesco of counsel), for respondent. [*1] DECISION & ORDER 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 22, 2015 (People v Perez-Olivo , 127 AD3d 1110), affirming a judgment of the County Court, Westchester County, rendered December 2, 2008. 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). IANNACCI, J.P., VOUTSINAS, GOLIA and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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