

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK, :
: Respondent, :
: **APPLICATION FOR A**
-against- : **WRIT OF ERROR**
: **CORAM NOBIS**
MIGUEL DE LOS SANTOS, :
: **Ind. No. 3444-2002**
Petitioner/Defendant. :
:

STATE OF NEW YORK)

COUNTY OF ULSTER) ss.:

I, MIGUEL DE LOS SANTOS, after first being duly Sworn in accordance with the Laws of the State of New York, hereby deposes and says:

1). I am the petitioner/defendant in the above captioned case. I am fully familiar with the facts of my criminal case in relation to the above listed Indictment Number.

2). Petitioner is an inmate currently incarcerated at the Shawangunk Correctional Facility located at 200 Quick Road - P.O. Box 750 Wallkill, New York 12589.

3). Petitioner makes this application for a writ of error *coram nobis* on the premise that he was denied his Federal and State Constitutional right to the effective assistance of counsel on appeal. N.Y. Const. Art. I, Section 6; U.S. Const. amends. VI, XIV.

4). Appellate counsel's direct appeal brief makes no mention that trial counsel rendered ineffective assistance by failing to properly review official court documentation which would have revealed that the lower court lacked subject matter jurisdiction, resulting in the indictment being insufficient. N.Y. Const. Art. I, §VI; U.S. Const. amends. VI, XIV.

5). This application is made pursuant to the authority of *People v. Bachert*, 133 AD2d 482 (A.D. 3 Dept. 1987).

6). Petitioner was represented on direct appeal by Edward V. Sapone, located at 40 Fulton Street (23rd Floor), New York, New York 10038.

Direct Appeal

7). Petitioner's direct appeal was heard and disposed of by this Court on October 6, 2016. *People v. Santos*, 143 AD3d 479 (A.D. 1 Dept. 2016).

8). Petitioner did not file an application for leave to appeal to the New York Court of Appeals.

9). For the reasons stated within petitioner's writ of error *coram nobis* and the attached memorandum of law, petitioner urges this Court to grant the relief sought.

CONCLUSION

For all of the above stated reasons, including those stated within the attached memorandum of law, petitioner, Miguel De Los Santos, urges this Court to grant the relief sought; and for any other or further relief as this Court may deem just and proper.

DATED:

Sworn to before me this
____ day of _____, 2021

NOTARY PUBLIC

Respectfully submitted,

Miguel De Los Santos,
#14-A-5516
Shawangunk Correctional Fac.
P.O. Box 700
Wallkill, N.Y. 12589

TO:

Honorable Cyrus R. Vance, Jr.
New York County DA
One Hogan Place
New York, N.Y. 10013

Edward V. Sapone, Esq.
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40 Fulton Street (23rd Fl.)
New York, N.Y. 10038