

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
GLORIA GOLDSTEIN
PETER B. SKELOS, JJ.

2002-05698

DECISION & ORDER

The People, etc., respondent,
v Peter McGrath, appellant.

(Ind. No. 01-00548)

Peter McGrath, Dannemora, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Daniel M. Reback 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 July 25, 2005 (*People v McGrath*, 20 AD3d 574), affirming a judgment of the County Court, Orange County, rendered June 20, 2002.

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).

PRUDENTI, P.J., MILLER, GOLDSTEIN and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 16, 2007

PEOPLE v McGRATH, PETER