

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
ROBERT W. SCHMIDT
STEPHEN G. CRANE, JJ.

2006-02299

DECISION & ORDER

The People, etc., respondent,
v Ernest Jerome Henry, appellant.

(Ind. No. 57772)

Ernest Jerome Henry, Fishkill, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Margaret E. Mainusch 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 20, 1987 (*People v Henry*, 132 AD2d 673), affirming a judgment of the County Court, Nassau County, rendered November 8, 1984.

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, SCHMIDT and CRANE, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 22, 2007

PEOPLE v HENRY, ERNEST JEROME