

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

D15618  
C/cb

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HOWARD MILLER, J.P.  
ROBERT W. SCHMIDT  
STEPHEN G. CRANE  
WILLIAM F. MASTRO, JJ.

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2007-01845

DECISION & ORDER

The People, etc., respondent,  
v John Calcaterra, appellant.

(Ind. No. 3008/83)

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John Calcaterra, Gouverner, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Grazia DiVincenzo 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 February 17, 1987 (*People v Calcaterra*, 127 AD2d 778), affirming a judgment of the County Court, Suffolk County, rendered August 2, 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).

MILLER, J.P., SCHMIDT, CRANE and MASTRO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 19, 2007

PEOPLE v CALCATERRA, JOHN