

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

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_____AD3d_____

ROBERT W. SCHMIDT, J.P.
WILLIAM F. MASTRO
ANITA R. FLORIO
WILLIAM E. McCARTHY, JJ.

1999-02985

DECISION & ORDER

The People, etc., respondent,
v James Spencer, appellant.

(Ind. No. 477/98)

James Spencer, Marcy, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Judith R. Sternberg 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 January 16, 2001 (*People v Spencer*, 279 AD2d 539), affirming a judgment of the County Court, Nassau County, rendered March 22, 1999.

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).

SCHMIDT, J.P., MASTRO, FLORIO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 25, 2007

PEOPLE v SPENCER, JAMES