

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

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A. GAIL PRUDENTI, P.J.  
HOWARD MILLER  
GLORIA GOLDSTEIN  
JOSEPH COVELLO, JJ.

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2003-00440  
2004-07391

DECISION & ORDER

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

(Ind. Nos. 2367/01, 720/01)

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John Prendergast, Coxsackie, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Traill, and Anastasia Spanakos 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 March 7, 2006 (*People v Prendergast*, 27 AD3d 487), affirming two judgments of the Supreme Court, Queens County, both rendered January 6, 2003.

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 COVELLO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 26, 2007

PEOPLE v PRENDERGAST, JOHN