

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

D19057
G/hu

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
FRED T. SANTUCCI
MARK C. DILLON, JJ.

2003-02297

DECISION & ORDER

The People, etc., respondent,
v Willie McClain, appellant.

(Ind. No. 02-00423)

Willie McClain, Elmira, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass of counsel),
for respondent.

John P. Savoca, White Plains, N.Y., former appellate counsel.

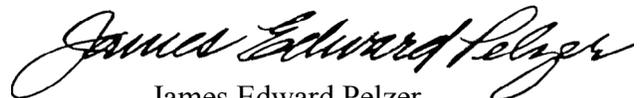
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated May 16, 2006 (*People v McClain*, 29 AD3d 824), affirming a judgment of the County Court, Orange County, rendered February 28, 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., RIVERA, SANTUCCI and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 29, 2008

PEOPLE v McCLAIN, WILLIE