

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

D19588
G/prt

_____AD3d_____

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
HOWARD MILLER, JJ.

2004-05684

DECISION & ORDER

The People, etc., respondent,
v Gil Shearer, appellant.

(Ind. No. 03-00708)

Gil Shearer, Wallkill, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Richard L. Hecht of counsel),
for respondent.

Abraham J. Mayers, Yonkers, 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 2, 2006 (*People v Shearer*, 29 AD3d 608), affirming a judgment of the County Court, Westchester County, rendered March 10, 2004.

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).

SPOLZINO, J.P., SKELOS, FLORIO and MILLER, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 10, 2008

PEOPLE v SHEARER, GIL