

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
STEVEN W. FISHER, JJ.

2009-06822

DECISION & ORDER

The People, etc., respondent,
v Roger McClary, appellant.

(Ind. No. 4874/86)

Roger McClary, Alden, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Nicoletta J. Caferri, and Josette Simmons McGhee 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 June 4, 1990 (*People v McClary*, 162 AD2d 476), affirming a judgment of the Supreme Court, Queens County, rendered May 9, 1988.

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, SKELOS and FISHER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 26, 2010

PEOPLE v McCLARY, ROGER