

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

D30506
H/kmb

_____AD3d_____

MARK C. DILLON, J.P.
RANDALL T. ENG
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2009-02604

DECISION & ORDER

The People, etc., respondent,
v Arthur Mercer, appellant.

(Ind. No. 08-00852)

Arthur Mercer, Fishkill, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (William C. Milaccio, Lois Cullen Valerio, and Richard Longworth Hecht 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 26, 2010 (*People v Mercer*, 69 AD3d 960), affirming a judgment of the Supreme Court, Westchester County, rendered February 19, 2009.

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).

DILLON, J.P., ENG, HALL and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

March 22, 2011

PEOPLE v MERCER, ARTHUR