

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

D32715  
C/ct

\_\_\_\_\_AD3d\_\_\_\_\_

A. GAIL PRUDENTI, P.J.  
PETER B. SKELOS  
RUTH C. BALKIN  
SANDRA L. SGROI, JJ.

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2007-01514

DECISION & ORDER

The People, etc., respondent,  
v J.C. McCrary, Jr., appellant.

(Ind. No. 2779/05)

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J.C. McCrary, Jr., Stormville, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley and Donald Berk 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 23, 2010 (*People v McCrary*, 71 AD3d 1049), affirming a judgment of the County Court, Nassau County, rendered January 25, 2010.

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., SKELOS, BALKIN and SGROI, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

November 1, 2011

PEOPLE v McCRARY, J.C., JR.