

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

D34811  
O/nl

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

WILLIAM F. MASTRO, A.P.J.  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS  
SANDRA L. SGROI, JJ.

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2008-08568

DECISION & ORDER

The People, etc., respondent,  
v Oscar Mercado, appellant.

(Ind. No. 01-01584)

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Oscar Mercado, Romulus, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Hae Jin Liu and Steven A. Bender of counsel), for respondent.

Thomas T. Keating, Dobbs Ferry, 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 June 8, 2010 (*People v Mercado*, 74 AD3d 990, *cert denied* \_\_\_\_\_US\_\_\_\_\_, 131 S Ct 1485), affirming a resentence of the County Court, Westchester County, imposed July 24, 2008.

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).

MASTRO, A.P.J., DICKERSON, CHAMBERS and SGROI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

May 8, 2012

PEOPLE v MERCADO, OSCAR