

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

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O/htr

_____AD3d_____

MARK C. DILLON, J.P.
LEONARD B. AUSTIN
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON, JJ.

2011-11636

DECISION & ORDER

The People, etc., respondent,
v Cerious McCray, appellant.

(Ind. No. 136/10)

Cerious McCray, Walkill, NY, appellant pro se.

William V. Grady, District Attorney, Poughkeepsie, NY (Kirsten A. Rappleyea of counsel), for respondent.

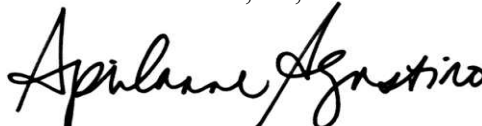
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated May 29, 2013 (*People v McCray*, 106 AD3d 1110), determining an appeal from a judgment of the County Court, Dutchess County, rendered November 29, 2011.

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., AUSTIN, HINDS-RADIX and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

November 21, 2018

PEOPLE v McCRAY, CERIOUS