

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

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_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
PETER B. SKELOS
FRED T. SANTUCCI, JJ.

2004-01574

DECISION & ORDER

The People, etc., respondent,
v David Carr, appellant.

(Ind. No. 901-02)

David Carr, Rome, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Edward A. Bannan of counsel),
for respondent.

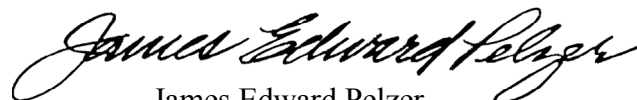
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated December 6, 2004 (*People v Carr*, 13 AD3d 389), affirming a judgment of the County Court, Suffolk County, rendered February 24, 2004.

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, J.P., RIVERA, SKELOS and SANTUCCI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 10, 2008

PEOPLE v CARR, DAVID