

State of New York

Court of Appeals

BEFORE: HON. JANET DiFIORE, Chief Judge

THE PEOPLE OF THE STATE OF NEW YORK,

-against- Respondent,

**ORDER
DENYING
LEAVE**

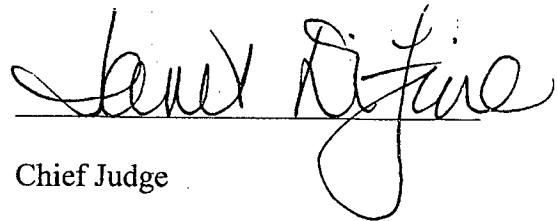
ANTHONY RUCANO, Appellant.

Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: **OCT 19 2017**



Chief Judge

*Description of Order: Order of the Appellate Division, Second Department, entered April 12, 2017, denying defendant's motion for a writ of error coram nobis.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

ANTHONY RUCANO,

Defendant-Appellant.

ORDER WITH NOTICE OF ENTRY

Richmond County Ind. No. 270/2009

Appellate Division No. 2011-01960

PLEASE TAKE NOTICE, that the within is a true copy of the Decision and Order dated April 12, 2017, that was entered with the Clerk of the Court named herein.

Dated: April 25, 2017
Staten Island, New York

Alex Fumelli

Alexander Fumelli
Assistant District Attorney

To: Anthony Rucano
11A0528
Great Meadow Correctional Facility
P.O. Box 51
Comstock, NY 12821-0051

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

D51848

G/htr

_____AD3d_____

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
HECTOR D. LASALLE, JJ.

2011-01960

DECISION & ORDER

The People, etc., respondent, v Anthony Rucano,
appellant.

(Ind. No. 270/09)

Anthony Rucano, Comstock, NY, appellant pro se.

Michael E. McMahon, District Attorney, Staten Island, NY (Morrie I. Kleinbart and Alexander Fumelli of counsel), for respondent.

Lynn W. L. Fahey, New York, NY (A. Alexander Donn of counsel), former appellate counsel.

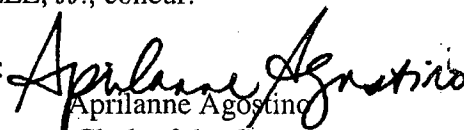
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated July 1, 2015 (*People v Rucano*, 130 AD3d 656), affirming a judgment of the Supreme Court, Richmond County, rendered January 21, 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).

MASTRO, J.P., CHAMBERS, ROMAN and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

April 12, 2017

PEOPLE v RUCANO, ANTHONY

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

[] yes [X] no

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will explain why you cannot pay the cost of this case.

Petitioner is an indigent defendant who only has income of prison wages which is garnished to pay mandatory surcharges and fees. Petitioner does not have the resources to pay costs of this case that are estimated at approximately \$130,000.⁰⁰ without printing, oral arguments(s), fees and expenses for proper representation by appropriate perspective private council.

Verification

Pursuant to 28 U.S.C. § 1746, I, Anthony Rucano, declare and verify under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 16th, 2018

Anthony Rucano

Petitioner, Pro-Se
Anthony Rucano, 11-A-0528
Attica, Correctional Facility
639 Exchange St., P.O. Box 149
Attica, NY 14011-0149