

**MOTION NO. (521/08) KA 06-02821. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GEORGE E. JOHNSON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND SCUDDER, JJ. (Filed Aug. 23, 2017.)

**MOTION NO. (412/11) KA 06-01424. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY N. OTT, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis granted. Memorandum: Defendant contends that he was denied effective assistance of appellate counsel because counsel failed to raise an issue on direct appeal, specifically, whether the court erred when it failed to comply with CPL 310.30 in its handling of jury notes. Upon our review of the motion papers, we conclude that the issue may have merit. The order of April 29, 2011 is vacated and this Court will consider the appeal de novo (see *People v LeFrois*, 151 AD2d 1046). Defendant is directed to file and serve his records and briefs with this Court on or before December 28, 2017. PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND DEJOSEPH, JJ. (Filed Aug. 23, 2017.)