

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

M71085  
E/sl

REINALDO E. RIVERA, J.P.  
DAVID S. RITTER  
HOWARD MILLER  
MARK C. DILLON, JJ.

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2005-09091

The People, etc., respondent,  
v Christopher Fields, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 10180/02)

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Motion by the appellant for leave to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered September 15, 2005, as a poor person.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that, upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide counsel with a copy of the pre-sentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that in the event an issue as to the legality, propriety or excessiveness of the sentence is raised on appeal, or if counsel cites or relies upon the probation report in a brief or motion in any other way, counsel shall provide a complete copy of such report and any attachments to the court and the District Attorney's office prior to the filing of such brief or motion; and it is further,

June 5, 2008

PEOPLE v FIELDS, CHRISTOPHER


Page 1.

ORDERED that retained counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged. Retained counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, et seq.) and written directions.

RIVERA, J.P., RITTER, MILLER and DILLON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court