

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

M71086  
E/sl

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

---

2006-10767

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

DECISION & ORDER ON MOTION

(Ind. No. 8478/05)

---

Motion by the appellant pro se, on an appeal from a judgment of the Supreme Court, Kings County, rendered October 26, 2006, to relieve counsel assigned to prosecute the appeal, and for leave to proceed pro se. On August 31, 2007, the appellant's motion to dispense with printing and for assignment of counsel was granted and the following named attorney was assigned as counsel to prosecute the appeal:

Lynn W. L. Fahey, Esq.  
Appellate Advocates  
2 Rector Street - 10th Floor  
New York, New York 10006

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

ORDERED the motion is granted; and it is further,

ORDERED that the assigned counsel is relieved of the assignment and is directed to deliver any transcripts of the proceedings in his possession and all papers on the appeal to the Clerk of this court, who shall deliver same to the person in charge of the institution wherein the appellant is incarcerated for the appellant's examination and use. The transcript shall be returned to this court when the appellant files his appellate brief; and it is further,

ORDERED that the branch of the motion which is for leave to proceed pro se is granted on condition that, upon the filing of his appellate brief with this court, the appellant shall also file a properly executed waiver of his right to appellate counsel, which waiver shall read as follows:

WAIVER OF RIGHT TO APPELLATE COUNSEL

June 5, 2008

PEOPLE v McCRAY, JOSEPH

Page 1.

