

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

M71548
E/sl

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2006-10395

The People, etc., respondent,
v Thelma Mendoza, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 750-05)

Motion by the appellant to enlarge the record on an appeal from a judgment of the Supreme Court, Suffolk County, rendered February 3, 2006, to include the affidavits of the defendant and other witnesses. Cross motion by the respondent to strike the appellant's brief on the ground that it raises issues not properly before the court.

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


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

ORDERED that the cross motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the respondent's time to serve and file a brief is enlarged until July 9, 2008, and the respondent's brief must be served and filed on or before that date.

SPOLZINO, J.P., SANTUCCI, ENG and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 9, 2008

PEOPLE v MENDOZA, THELMA