

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

M71879  
K/nl

STEVEN W. FISHER, J.

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2008-05441

The People, etc., respondent,  
v Diane Gordon, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 912/06)

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Motion by the appellant pursuant to CPL 460.50 for a stay of execution of a judgment of the Supreme Court, Kings County, rendered June 12, 2008, and to release the appellant on her own recognizance, or in the alternative, to fix reasonable bail.

Upon the papers filed in support of the motion and in opposition thereto, and upon hearing the attorneys for the respective parties, it is

ORDERED that the motion is granted, execution of the judgment is stayed, and bail is set by the giving of an insurance company bail bond in the amount of \$100,000 or by depositing that sum as a cash bail alternative and on condition that the appellant surrender her passport, if any, to the Office of the District Attorney, Kings County; and it is further,

ORDERED that this stay shall terminate and be of no further effect 120 days from the date hereof and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal shall have been brought to argument or submitted to this court, or unless this court shall have extended this order; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence; and it is further,

ORDERED that upon receipt of this order together with (1) proof that the appellant has given an insurance company bail bond in the amount of \$100,000 or has deposited that sum as a cash bail alternative, and (2) proof that the appellant has surrendered her passport, if any, to the Office of the District Attorney, Kings County, the Warden of the facility at which the appellant is incarcerated, or his or her agent, is directed to immediately release the appellant; and it is further,

June 18, 2008

PEOPLE v GORDON, DIANE

Page 1.

ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the Clerk of the court from which the appeal is taken.

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STEVEN W. FISHER  
Associate Justice