

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

M71880
E/sl

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2008-04969, 2008-05227

DECISION & ORDER ON MOTION

In the Matter of Daniel I. (Anonymous), appellant.

(Docket Nos. D-5675-08, D-5678-08)

Motion by the appellant on appeals from two orders of the Family Court, Suffolk County, dated May 6, 2008, and June 3, 2008, respectively, to stay enforcement of the order dated June 3, 2008, and release him to the custody of his parent, Sherie I., or place him in a nonsecure facility, pending hearing and determination of the appeals. Separate motion by the appellant to consolidate the appeals.

Upon the papers filed in support of the motions, the papers filed in opposition to the motion for a stay, and no papers having been filed in opposition or in relation to the motion to consolidate the appeals, it is

ORDERED that the branch of the motion which is to stay enforcement of the order dated June 3, 2008, and release him to the custody of his parent, Sherie, I., is granted, and the order dated June 3, 2008, is stayed and the appellant is released to the custody of his parent, Sherie, I., pending hearing and determination of the appeals on condition that the appeals are perfected on or before July 16, 2008, and that branch of the motion is otherwise denied as academic; and it is further,

ORDERED that in the event the appeals are not perfected on or before July 16, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the motion to consolidate the appeals is denied as unnecessary as the appeals may be consolidated as of right (*see* 22 NYCRR 670.7[c][1]).

SPOLZINO, J.P., FISHER, CARNI and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer

June 16, 2008

MATTER OF I. (ANONYMOUS), DANIEL

Clerk of the Court

June 16, 2008

MATTER OF I. (ANONYMOUS), DANIEL