

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

M72039
S/sl

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2008-01545

ORDER TO SHOW CAUSE

The People, etc., respondent,
v Paul Fishwick, appellant.

(Ind. No. 01-12825)

On the court's own motion, it is

ORDERED that its order to show cause dated June 10, 2008, in the above-entitled case is recalled and vacated, and the following order to show cause is substituted therefor:

Motion by the appellant pro se for leave to prosecute an appeal from a determination of the Supreme Court, Westchester County, dated February 7, 2008, as a poor person and for the assignment of counsel.

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

ORDERED that the appellant show cause before this court why an order should or should not be entered dismissing the appeal on the ground that the determination is not appealable, by filing an affirmation or an affidavit on that issue in the office of the Clerk of this court on or before *July 11, 2008*; and it is further,

ORDERED that the motion for leave to appeal as a poor person and for the assignment of counsel is held in abeyance in the interim; and it is further,

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ORDERED that the Clerk of this court or his designee is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined, and upon the attorney who last appeared for him, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

RIVERA, J.P., FLORIO, DICKERSON and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court