

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

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F/

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

2007-03845

The People, etc., respondent,
v Waymon Darkins, appellant.

DECISION & ORDER ON MOTION
Motion by Counsel to be Relieved

(Ind. No. 05-00522)

Motion by assigned counsel to be relieved of an assignment to prosecute an appeal from a judgment of the County Court, Westchester County, rendered April 10, 2007. The appellant's motion for leave to prosecute the appeal as a poor person and for assignment of counsel was granted on July 6, 2007, and the following named attorney was assigned as counsel to prosecute the appeal:

Stephen J. Pittari, Esq.
Legal Aid Society of Westchester County
One North Broadway, 9th Floor
White Plains, New York 10601

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

ORDERED that the motion is granted, and the former assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

Marshall L. Goldstein, Esq.
399 Knollwood Road - Suite 112
White Plains, New York 10603

and it is further,

ORDERED that upon service of a copy of this decision and order upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions.

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

ENTER:



James Edward Pelzer
Clerk of the Court