

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

M72365  
F/

ROBERT A. SPOLZINO, J.P.  
ROBERT A. LIFSON  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS, JJ.

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2005-08664

The People, etc., respondent,  
v Steven Gerrara, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1130/05)

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Motion by Jonathan I. Edelstein, Esq., to be substituted as retained counsel, in place of assigned counsel, to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered August 18, 2005, and to continue the appellant's poor person status on the appeal. The appellant's motion to dispense with printing and for assignment of counsel was granted on August 28, 2006, and May 17, 2007, respectively, and the following named attorney was assigned as counsel to prosecute the appeal:

Lynn W. L. Fahey, Esq.  
Appellate Advocates  
2 Rector Street - 10<sup>th</sup> Floor  
New York, New York 10006

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 said assigned counsel is directed to turn over all papers in the action to retained counsel:

Jonathan I. Edelstein, Esq.  
271 Madison Avenue - 20<sup>th</sup> Floor  
New York, New York 10016

and it is further,

July 1, 2008

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ORDERED that the appellant's poor person status is continued; and it is further,

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

SPOLZINO, J.P., LIFSON, DICKERSON, and CHAMBERS, 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

*Attorney's Address:*

Jonathan I. Edelstein, Esq.  
271 Madison Avenue - 20<sup>th</sup> Floor  
New York, New York 10016