

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

M76090  
F/

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2006-08025

The People, etc., respondent,  
v Rodolfo Andino, appellant.

DECISION & ORDER ON MOTION  
Motion by Counsel to be Relieved

(Ind. No. 1090/05)

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Motion by assigned counsel to be relieved of an assignment to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered July 19, 2006. The appellant's motion for leave to prosecute the appeal as a poor person and for assignment of counsel was granted on August 20, 2008, 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 no papers having been filed in opposition or 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:

The Legal Aid Society  
199 Water Street - 5<sup>th</sup> Floor  
New York, New York 10038

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.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO, and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court