

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

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ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2008-06530

The People, etc., respondent,
v Luis Rivas, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 314/08)

Motion by the appellant pro se pursuant to CPL 460.30 for an extension of time to take an appeal from a judgment of the Supreme Court, Queens County, rendered February 20, 2008, and for leave to prosecute the appeal 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 thereto, it is

ORDERED that the branch of the motion which is to extend the time to take the appeal is granted; and it is further,

ORDERED that the appellant's moving papers are deemed to constitute a timely notice of appeal; and it is further,

ORDERED that the branch of the motion which is for poor person relief is denied, with leave to renew upon proper papers, including the appellant's affidavit setting forth the amount and source of counsel fees paid to retained counsel.

SPOLZINO, J.P., FLORIO, MILLER and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 29, 2008

PEOPLE v RIVAS, LUIS