

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

M76747
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
ARIEL E. BELEN, JJ.

2007-02273

The People, etc., respondent,
v Sheldon Thomas, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 8251/04)

Motion by the appellant to unseal the minutes of a certain sidebar conference on October 23, 2006, referenced at page 1174 of the trial transcript, on an appeal from a judgment of the Supreme Court, Kings County, rendered January 30 2007.

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 it is further,

ORDERED that the decision and order on motion of this court dated June 25, 2007, which granted poor person relief to the appellant, is amended to include a direction to the stenographer of the trial court, within 45 days of this decision and order on motion, to promptly make, certify, and file two transcripts of the sidebar conference on October 23, 2006, referenced at page 1174 of the trial transcript, if available; the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see* CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

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ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

FISHER, J.P., DILLON, McCARTHY 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