

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

M76771
E/sl

WILLIAM F. MASTRO, J.P.
ROBERT A. LIFSON
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2007-04891

The People, etc., respondent,
v Deion McCrae, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 7486/05)

Motion by the appellant to substitute Robert Didio, Esq., as retained counsel, in place of assigned counsel, to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered April 30, 2007, to continue his poor person status on the appeal, and to enlarge the time to perfect the appeal. The appellant's motion to dispense with printing and for assignment of counsel was granted on September 18, 2007, and the following named attorney was assigned as counsel to prosecute the appeal:

Lynn W. L. Fahey, Esq.
Appellate Advocates
2 Rector Street - 10th 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:

Robert Didio, Esq.
80-02 Kew Gardens Road - Suite 1030
Kew Gardens, New York 11415

and it is further,

October 6, 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 by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until December 2, 2008.

MASTRO, J.P., LIFSON, CARNI and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court