

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

M76786  
E/sl

DAVID S. RITTER, J.P.  
FRED T. SANTUCCI  
WILLIAM E. McCARTHY  
THOMAS A. DICKERSON, JJ.

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2006-10067

The People, etc., respondent,  
v Marc Jean, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1154/05)

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Motion by the appellant to relieve assigned counsel on an appeal from a judgment of the Supreme Court, Queens County, rendered October 23, 2006, and to substitute retained counsel. The appellant's motion to dispense with printing and for assignment of counsel was granted on September 18, 2007, and on March 6, 2008, the following named attorney was assigned as counsel to prosecute the appeal:

Russell C. Morea, Esq.  
123-60 83<sup>rd</sup> Avenue - Suite 2R  
Kew Gardens, New York 11415-3452

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 following retained counsel is substituted for assigned counsel for the appellant:

Jonathan Strauss, Esq.  
233 Broadway - Suite 900  
New York, New York 10279

and it is further,

October 6, 2008

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ORDERED that so much of the decision and order on motion of this court dated September 18, 2007, as granted that branch of the appellant's motion which was for poor person relief is recalled and vacated, and that branch of the motion is denied, and former assigned counsel is directed to turn over all papers in the action to the Clerk of this court; 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 (*see* 22 NYCRR 670.1, et seq.) and written directions.

RITTER, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court