

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

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E/sl

A. GAIL PRUDENTI, P.J.  
FRED T. SANTUCCI  
WILLIAM E. McCARTHY  
CHERYL E. CHAMBERS, JJ.

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2008-02833

The People, etc., plaintiff,  
v James Fogle, defendant.

(Ind. No. 1831/06)

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DECISION & ORDER ON MOTION  
Motion for Leave to Serve  
Late Notice of Appeal, for Poor  
Person Relief & to Assign  
Counsel - Appeal from Judgment

Motion by the defendant pursuant to CPL 460.30 for an extension of time to take an appeal from a judgment of the Supreme Court, Queens County, rendered May 7, 2007, 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 pursuant to CPL 460.30 for an extension of time is denied (*see* CPLR 460.30[1]); and it is further,

ORDERED that the branches of the motion which are for leave to prosecute the appeal as a poor person, and for the assignment of counsel are denied as academic.

PRUDENTI, P.J., SANTUCCI, McCARTHY and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 30, 2008

PEOPLE v FOGLE, JAMES