

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

M76795
E/sl

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
HOWARD MILLER
RUTH C. BALKIN, JJ.

2008-06936

The People, etc., respondent,
v Elvis Castillo appellant.

(Ind. No. 2708/00)

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign Counsel
Appeal from Judgment

Motion by the appellant pro se for leave to prosecute an appeal from an order of the Supreme Court, Queens County, dated July 14, 2008, 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 on the court's own motion, the appeal is dismissed on the ground that the order is not appealable as of right and leave to appeal has not been granted (*see* CPL 450.15[2]); and it is further,

ORDERED that the motion is denied as academic.

LIFSON, J.P., RITTER, MILLER and BALKIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 6, 2008

PEOPLE v CASTILLO, ELVIS