

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

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L/

STEVEN W. FISHER, J.

2008-09386

The People, etc., respondent
Victor Colletti, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 606/05)

Motion by the appellant pursuant to CPL 460.50 for a stay of execution of a judgment of the Supreme Court, Queens County, rendered October 15, 2008, and to set reasonable bail pending appeal.

Upon the papers filed in support of the motion and in opposition thereto, and upon hearing the attorneys for the respective parties, it is

ORDERED that the motion is granted, execution of the judgment is stayed, and bail is set by the giving of a secured surety bond in the amount of \$250,000 or by depositing the same sum as a cash bail alternative, on or before October 20, 2008 ; and it is further,

ORDERED that the bond previously posted in the amount of \$150,000 on Queens County Indictment No. 606/05 is reinstated and shall stand as the bond for the stay of execution of judgment pending the posting of the increased \$250,000 secured surety bond or cash bail alternative on or before October 20, 2008; and it is further

ORDERED that this stay shall terminate and be of no further effect 120 days from the date hereof and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal shall have been brought to argument or submitted to this court, or unless this court shall have extended this order; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence; and it is further,

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ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the clerk of the court from which the appeal is taken.

STEVEN W. FISHER
Associate Justice