

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

M77267
E/sl

FRED T. SANTUCCI, J.P.
HOWARD MILLER
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-02619

The People, etc., respondent,
v Joseph Mortensen, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 429-07)

Motion by the appellant on an appeal from a judgment of the County Court, Suffolk County, rendered February 27, 2008, for leave to reargue his motion pursuant to CPL 460.50 and 530.50 to extend a stay of execution of said judgment, granted by a decision and order on motion of this court dated March 27, 2008, which was determined by decision and order on motion dated August 8, 2008.

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, upon reargument, the decision and order on motion dated August 8, 2008, is recalled and vacated, the motion to extend the stay of execution of the judgment rendered February 27, 2008, is granted, and the stay of execution of the judgment granted by the decision and order on motion dated March 27, 2008, is extended pending hearing and determination of the appeal on the same conditions imposed by the decision and order on motion dated March 27, 2008; and it is further,

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.

SANTUCCI, J.P., MILLER, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 17, 2008

PEOPLE v MORTENSEN, JOSEPH