

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

M77286
S/sl

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2007-10085

The People, etc., respondent,
v Isan Contant, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 06-00362)

On the court's own motion, it is

ORDERED that its decision and order on motion dated September 29, 2008, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant pro se to relieve assigned counsel on an appeal from a judgment of the County Court, Rockland County, rendered October 3, 2007, and to assign new counsel and for leave to serve and file a pro se supplemental brief and to *be* furnished with a copy of the typewritten transcript of the proceedings, if any.

Upon the papers filed in support of the motion and the papers filed in relation and in opposition thereto, it is

ORDERED that the branch of motion which seeks to relieve assigned counsel and to assign new counsel is denied, and it is further,

ORDERED that the branch of the motion which seeks *leave* to serve and file a pro se supplemental brief and to be furnished with a copy of the typewritten transcript of the proceedings, if any, is granted; and it is further,

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ORDERED that the District Attorney shall file the transcript of the proceedings, if any, and the Clerk of this court shall deliver those minutes to the person in charge of the institution wherein the appellant is incarcerated for examination by the appellant; the transcript shall be returned to this court when the appellant files the supplemental brief or informs this court that no supplemental brief will be filed; and it is further,

ORDERED that the appellant shall file nine copies of the supplemental brief and serve one copy on the District Attorney.

Upon delivering the minutes to the institution, the Clerk of this court shall advise the appellant of the date by which the minutes are to be returned and the brief filed.

SPOLZINO, J.P., FLORIO, MILLER, and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court