

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

M77351
S/sl

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
ROBERT A. SPOLZINO
STEVEN W. FISHER, JJ.

2008-02524, 2008-06958

The People, etc., respondent,
v Azad Malik, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 6741/06)

Motion by the appellant to enlarge time to perfect appeal from a judgment of the Supreme Court, Kings County, rendered May 30, 2008 (Appellate Division Docket No. 2008-06958), and to continue a stay issued pursuant to CPL 530.45 by decision and order on motion of this court dated March 21, 2008, under Appellate Division Docket No. 2008-02524.

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

ORDERED that the motion is granted; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged until February 17, 2009, and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that the stay granted by decision and order on motion dated March 21, 2008, is extended pending hearing and determination of the appeal on the same conditions as set forth in the order dated March 21, 2008; and it is further,

ORDERED that this stay shall terminate and be of no further effect as of February 17, 2008, and the defendant 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

October 20, 2008

PEOPLE v MALIK, AZAD

Page 1.

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 defendant to the sentencing court to begin the execution of sentence; and it is further,

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

PRUDENTI, P.J., RIVERA, SPOLZINO and FISHER, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court