

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

M77515
S/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-09460

The People, etc., respondent,
v David Garcia, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 636/98)

Appeal by David Garcia from an order of the Supreme Court, Kings County, dated February 20, 2008.

Now, on the court's own motion, it is

ORDERED that the appeal is dismissed as the order is not appealable by right and the defendant has not sought leave to appeal (*see* CPL 450.10; 450.15).

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 23, 2008

PEOPLE v GARCIA, DAVID