

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

M78107  
F/

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2007-09594

The People, etc., respondent,  
v Keith Pooler, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 2085/06)

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Motion by the appellant pro se to recall and vacate a decision and order on motion of this court, dated August 5, 2008, which granted his application for leave to serve and file a supplemental brief on his appeal from a judgment of the County Court, Nassau County, rendered May 17, 2007, and to deem the application withdrawn.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted, the decision and order on motion dated August 5, 2008, is recalled and vacated, and the appellant's application for leave to serve and file a supplemental brief is deemed withdrawn.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO, and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 6, 2008

PEOPLE v POOLER, KEITH