

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

M78424
E/sl

ANITA R. FLORIO, J.P.
HOWARD MILLER
EDWARD D. CARNI
ARIEL E. BELEN, JJ.

2007-01037

The People, etc., respondent,
v Kirk Peart, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 7577/05)

Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Kings County, rendered December 19, 2006, on the ground that the appellant has been deported and is no longer available to obey the mandate of the court.

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 denied with leave to renew upon service on the defendant at his last known address (*see* CPL 470.60[2]).

FLORIO, J.P., MILLER, CARNI and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 13, 2008

PEOPLE v PEART, KIRK