

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

M78434
E/sl

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-05442

The People, etc., respondent,
v Zafar Rahim, appellant.

DECISION & ORDER ON MOTION

(S.C.I. No. 426/05)

Motion by the appellant for a preference in the calendaring of an appeal from an amended sentence of the Supreme Court, Queens County, imposed May 22, 2008. Separate motion by the respondent to dismiss the appeal on the ground that the appellant never filed a notice of appeal with respect to the judgment rendered on April 1, 2005.

Upon the papers filed in support of the motions, the papers filed in relation to the motion for a preference, and the papers filed in opposition to the motion to dismiss the appeal, it is

ORDERED that the motion for a preference is denied; and it is further,

ORDERED that the motion to dismiss the appeal is denied without prejudice to the respondent raising the issue in the respondent's brief.

RIVERA, J.P., LIFSON, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 13, 2008

PEOPLE v RAHIM, ZAFAR