

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

M78820
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2007-11368

DECISION & ORDER ON MOTION

The People, etc., ex rel., Earl Calloway,
appellant, v Charles E. Ewald, etc., respondent.

(Index No. 436-00)

Motion by the appellant to waive payment of the filing fees on an appeal from a judgment of the Supreme Court, Suffolk County, dated November 8, 2007, for the assignment of counsel, and to enlarge the time to perfect the appeal.

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 granted; and it is further,

ORDERED that payment of the filing fee is waived; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged and the briefs and appendices submitted to the Clerk of the court are accepted for filing; and it is further,

ORDERED that pursuant to Judiciary Law §35, the following named attorney is assigned as counsel to prosecute the appeal:

Robert C. Mitchell, Esq.
Legal Aid Society
200 Center Drive - P.O. Box 1697
Riverhead, New York 11901

and it is further,

November 20, 2008

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ORDERED that the respondent's time to serve and file a brief is enlarged until December 22, 2008, and the respondent's brief must be served and filed on or before that date.

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, 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