

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

M78843
E/sl

ROBERT A. LIFSON, J.P.
ANITA R. FLORIO
DANIEL D. ANGIOLILLO
ARIEL E. BELEN, JJ.

2008-02527

The People, etc., respondent,
v John White, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 2662A-06)

Motion by the appellant on an appeal from a judgment of the County Court, Suffolk County, rendered March 19, 2008, to continue the stay of execution of said judgment, which was granted by a decision and order on motion of this court dated March 20, 2008, and extended by a decision and order on motion of this court dated August 6, 2008, pending determination of the appeal to this court.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the stay of execution of the judgment granted by the decision and order on motion of this court dated March 20, 2008, is extended pending hearing and determination of the appeal, on condition that the appeal is perfected by March 20, 2009, and on the same bail conditions as imposed by the decision and order on motion of this court dated March 20, 2008; and it is further,

ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the Clerk of the court from which the appeal is taken; and it is further,

ORDERED that this stay shall terminate and be of no further effect, and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal is perfected on or before March 20, 2009; and it is further,

November 20, 2008

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ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence.

LIFSON, J.P., FLORIO, ANGIOLILLO and BELEN, 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