

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

M79060
E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-02074

DECISION & ORDER ON MOTION

People of State of New York, respondent,
v Bonifacio Rodriguez, appellant.

Motion by counsel assigned to represent the appellant on an appeal from an order of the Supreme Court, Kings County, dated February 26, 2008, in effect, to be relieved as counsel on the ground that the appellant has been deported.

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

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that the appellant has been deported and is no longer available to obey the mandate of this court (*see Matter of Gerald G.G.*, 46 NY2d 1036); and it is further,

ORDERED that the motion by assigned counsel is granted.

RIVERA, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 26, 2008

PEOPLE OF STATE OF NEW YORK v RODRIGUEZ