

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

M79333
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
ARIEL E. BELEN, JJ.

2007-06440

The People, etc., respondent,
v Shamah Ellis, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 634/06)

Renewed motion by the appellant's assigned counsel for leave to withdraw an appeal from a judgment of the Supreme Court, Kings County, rendered May 7, 2007.

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; and it is further,

ORDERED that on the court's own motion, Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street - 10th Floor, New York, New York 10006, is relieved from representing the appellant on the appeal; and it is further,

ORDERED that former assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

The Legal Aid Society
199 Water Street, 5th Floor
New York, New York 10038

and it is further,

December 5, 2008

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ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions.

FISHER, J.P., DILLON, McCARTHY and BELEN, JJ., concur.

ENTER:

A handwritten signature in cursive script, reading "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court