

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

M79368
E/sl

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-09055

DECISION & ORDER ON MOTION

In the Matter of Andrea Francis, appellant,
v Reginald Ellis Bennett, respondent.

(Docket No. O-37499-07)

Motion by the attorney for the appellant to be relieved, for the assignment of counsel to prosecute an appeal from an order of the Family Court, Kings County, dated September 16, 2008, and for leave for the appellant to prosecute the appeal as a poor person.

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

ORDERED that the branches of the motion which are for the assignment of new counsel to represent the appellant on the appeal and leave for the appellant to prosecute the appeal as a poor person are denied with leave to the appellant to renew, on or before December 29, 2009, upon the submission of proper papers establishing that she is entitled to poor person relief and the appellant's affidavit setting forth the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income, and the appellant's statement indicating that she is interested in pursuing the appeal; and it is further,

ORDERED that the branch of the motion which is to relieve counsel is held in abeyance in the interim.

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 5, 2008

MATTER OF FRANCIS v BENNETT