

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

M79375
E/sl

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

2008-08344, 2008-08345

In the Matter of Aaron Mc. (Anonymous),
appellant.

(Docket No. D-23279-07)

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign New Counsel
Family Court

Motion by the appellant for leave to prosecute appeals from two orders of the Family Court, Queens County, dated March 26, 2008, and August 13, 2008, respectively, as a poor person, for the assignment of counsel, and for a preference in the calendaring of the appeals.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the branch of the motion which is for leave to prosecute the appeals as a poor person is denied as unnecessary as the appellant's status as a poor person continues on appeal (*see* Family Ct Act § 1120) ; and it is further,

ORDERED that pursuant to Family Court Act § 1120, the following named attorney is assigned to represent the appellant:

Rayaz N. Khan, Esq.
89-31 161st Street - Suite 807
Jamaica, New York 11432

and it is further,

December 5, 2008

MATTER OF Mc. (ANONYMOUS), AARON

Page 1.

ORDERED that the appeals will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant and the respondent. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (22 NYCRR 670.9[d][1][ii]; Family Ct Act § 1116); and it is further,

ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the appellant's counsel, without charge; in the case of transcription services, one transcript shall be filed with the clerk of the Family Court and one transcript shall be delivered to the assigned counsel. Assigned counsel is directed to provide copies of said transcripts to all of the other parties to the appeals, when counsel serves the appellant's brief upon those parties; and it is further,


ORDERED that the assigned counsel shall prosecute the appeals expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of this court (22 NYCRR 670.4[a]); and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeals are taken; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeals is denied as unnecessary (*see* CPLR 5521[b]; Family Ct Act § 1112).

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

ENTER:


James Edward Pelzer
Clerk of the Court