

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

M79478
E/sl

FRED T. SANTUCCI, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
RANDALL T. ENG, JJ.

2005-10345

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

DECISION & ORDER ON MOTION

(Index No. 8166/04)

Renewed motion by the appellant to hold an appeal from a judgment of the Supreme Court, Kings County, rendered October 19, 2005, in abeyance pending determination by the Supreme Court, Kings County, of a motion pursuant to CPL Article 440.

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

ORDERED that the motion is denied.

SANTUCCI, J.P., DILLON, McCARTHY and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 5, 2008

PEOPLE v GIUCA, JOHN