

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

M79591
E/sl

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2008-08813

DECISION & ORDER ON MOTION

In the Matter of Jose Diaz, appellant,
v George Alexander, etc., respondent.

(Index No. 639/08)

Motion by the appellant for leave to prosecute an appeal from a judgment of the Supreme Court, Dutchess County, dated August 22, 2008, as a poor person and for the assignment of counsel.


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 branch of the motion which is for leave to prosecute the appeal on the original papers is granted, the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motion which are to waive payment of the filing fee, for free transcripts, and for the assignment of counsel are denied.

MASTRO, J.P., MILLER, CARNI and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 12, 2008

MATTER OF DIAZ v ALEXANDER