

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

M79629
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2008-07713, 2008-07714

The People, etc., respondent,
v Riland Bryant, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1146/07, S.C.I. No. 2399/07)

Motion by the appellant pro se on appeals from two judgments of the County Court, Nassau County, both rendered December 4, 2007, for leave to prosecute the appeals as a poor person, and for the assignment of counsel. By order to show cause dated October 6, 2008, the appellant was directed to show cause before this court why an order should or should not be made and entered dismissing the appeals on the ground that the notice of appeal was untimely filed and the appellant had not moved for leave to extend his time to file a notice of appeal (*see* CPL 460.30), and the motion for leave to appeal as a poor person and for the assignment of counsel was held in abeyance in the interim.


Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeals is granted and the appeals are dismissed, without costs or disbursements; and it is further,

ORDERED that the motion for leave to appeal as a poor person and for the assignment of counsel is denied as academic.

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 11, 2008

PEOPLE v BRYANT, RILAND