

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

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E/sl

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-09043

The People, etc., respondent,
v Juan Urena, appellant.

ORDER TO SHOW CAUSE

(Ind. No. 4407/96)

Motion by the appellant pro se on an appeal from a purported judgment of the Supreme Court, Kings County, rendered September 26, 2008, for leave to prosecute the appeal from the purported judgment as a poor person, and for the assignment of counsel.

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


ORDERED that on the court's own motion, the appellant is ordered to show cause before this court, why an order should or should not be entered dismissing the appeal from the purported judgment on the ground that no appeals lie from the purported judgment, as the purported judgment is nothing more than a proceeding to cause a judgment of the same court rendered June 25, 1997, to be brought to execution (*see People v Crawford*, 239 AD2d 514), by filing an affidavit on that issue with the Clerk of this court on or before January 9, 2009; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined, upon the attorney who last appeared for him, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2); and it is further,

ORDERED that the motion for poor person relief and the assignment of counsel is held in abeyance in the interim.

RIVERA, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 11, 2008

PEOPLE v URENA, JUAN