

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

M79811
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2008-05441

The People, etc., respondent,
v Diane Gordon, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 912/06)

Motion by the appellant on an appeal from a judgment of the Supreme Court, Kings County, rendered June 12, 2008, to continue the stay of execution of said judgment, which was granted by a decision and order on motion of this court dated June 18, 2008, and extended by decision and order on motion of this court dated October 22, 2008, pending determination of the appeal to this court.

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

ORDERED that the motion is granted; and it is further,

ORDERED that the stay of execution of the judgment granted by the decision and order on motion of this court dated June 18, 2008, is extended pending hearing and determination of the appeal, on condition that the appeal is perfected by January 21, 2009, and on the same conditions as imposed by the decision and order on motion of this court dated June 18, 2008; and it is further,

ORDERED that no further extension of the stay shall be granted; and it is further,

ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the Clerk of the court from which the appeal is taken; and it is further,

December 11, 2008

PEOPLE v GORDON, DIANE

Page 1.

ORDERED that this stay shall terminate and be of no further effect, and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal is perfected on or before January 21, 2009; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court