

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

M79833  
S/sl

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS, JJ.

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2008-09525

ORDER TO SHOW CAUSE

The People, etc., respondent,  
v Robert Dominguez, appellant.

(Ind. No. 1272/02)

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Motion by the appellant pro se for leave to prosecute an appeal from an order of the Supreme Court, Kings County, dated July 28, 2008, which denied his motion to be resentenced pursuant to Chapter 643 of the Laws of 2005, as a poor person, and for the assignment of counsel.

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

ORDERED that the appellant show cause before this court why an order should or should not be entered dismissing the appeal on the ground that the notice of appeal is untimely (*see* CPL 460.10[1][a], 460.30), and the appellant has not sought leave to file a late notice of appeal, by filing an affidavit on that issue with the Clerk of this court on or before January 9, 2009, and the motion for leave to proceed as a poor person is held in abeyance in the interim; 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, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

RIVERA, J.P., ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 12, 2008

PEOPLE v DOMINGUEZ, ROBERT