

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

M80467  
S/sl

REINALDO E. RIVERA, J.P.  
ROBERT A. SPOLZINO  
ANITA R. FLORIO  
MARK C. DILLON, JJ.

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2007-07886

The People, etc., respondent,  
v Yaroslav Semenov, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 8156/05)

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Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Kings County, rendered June 2, 2006, for leave to renew his prior motion for leave to prosecute the appeal as a poor person and for the assignment of counsel. By order to show cause dated February 21, 2008, the appellant was directed to show cause before this court why an order should or should not be made and entered dismissing the appeal on the ground that the notice of appeal was untimely and filed over one year and 30 days after the judgment was rendered (*see* CPL 460.30[1]), and the appellant's motion for leave to renew his prior motion for leave to prosecute the appeal as a poor person and for the assignment of counsel was held in abeyance in the interim.


Upon the court's own motion and no papers having been filed in opposition thereto, it is

ORDERED that the appeal is dismissed; and it is further,

ORDERED that the motion for leave to renew the appellant's prior motion for leave to prosecute the appeal as a poor person and for the assignment of counsel is denied as academic.

RIVERA, J.P., SPOLZINO, FLORIO and DILLON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 31, 2008

PEOPLE v SEMENOV, YAROSLAV