

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

M83293
E/cb

HOWARD MILLER, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-04869, 2008-06956

The People, etc., respondent,
v Shafiq Mohammed, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 6741/06)

Motion by the appellant to enlarge time to perfect an appeal from a judgment of the Supreme Court, Kings County, rendered June 9, 2008 (Appellate Division Docket No. 2008-06956), and to continue a stay issued pursuant to CPL 530.45 by decision and order on motion of this court dated May 30, 2008, under Appellate Division Docket No. 2008-04869, as extended by decision and order on motion of this court dated November 13, 2008.

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 appellant's time to perfect the appeal is enlarged until May 5, 2009, and the appellant's brief must be served and filed on or before that date; and it is further,

ORDERED that the stay granted by decision and order on motion dated May 30, 2008, is extended pending hearing and determination of the appeal on the same conditions as set forth in the order dated May 30, 2008; and it is further,

ORDERED that this stay shall terminate and be of no further effect as of May 5, 2009, and the defendant shall thereafter surrender to serve the sentence imposed, unless the appeal shall have been brought to argument or submitted to this court, or unless this court shall have extended this order; and it is further,

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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 defendant to the sentencing court to begin the execution of sentence; and it is further,

ORDERED that counsel for the defendant shall serve a copy of this order, by mail, on the Clerk of the court from which the appeal is taken.

MILLER, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court