

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

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E/cb

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2007-11368

DECISION & ORDER ON MOTION

The People, etc., ex rel., Earl Calloway,
appellant, v Charles E. Ewald, etc., respondent.

(Index No. 436-00)

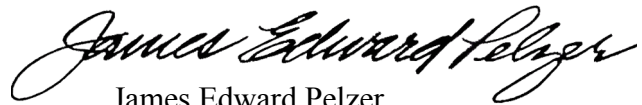
Motion by Robert C. Mitchell, Esq., counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Suffolk County, dated November 8, 2007, to be relieved and to withdraw the appeal on the ground that the appeal has been rendered academic by the appellant's resentencing without a period of post-release supervision being imposed, and by his release from prison.

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

ORDERED that the motion is granted, assigned counsel is relieved, and the appeal is marked withdrawn.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 4, 2009

PEOPLE EX REL. CALLOWAY v EWALD