

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

M85842
F/

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2008-11103

MOTION

DECISION & ORDER ON

Motion by Counsel to be Relieved

The People, etc., respondent,
v Juan R. Bernardez, appellant.

(Ind. No. 07-00545)

On the court's own motion, it is

ORDERED that the decision and order on motion in the above-entitled case dated April 10, 2009, is recalled and vacated and the following decision and order on motion is substituted therefor:

Motion by assigned counsel to be relieved of an assignment to prosecute an appeal from a judgment of the Supreme Court, Westchester County, rendered November 5, 2008. The appellant's motion for leave to prosecute the appeal as a poor person and for assignment of counsel was granted on February 27, 2009, and the following named attorney was assigned as counsel to prosecute the appeal:

Thomas T. Keating, Esq.
6 Chester Avenue
White Plains, New York 10601

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto; it is

ORDERED that the motion is granted, and the former assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

May 4, 2009

PEOPLE v BERNARDEZ, JUAN R.

Page 1.

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

*Gerald Zuckerman, Esq.
175 Main Street
Ossining, New York 10562*


and it is further,

ORDERED that upon service of a copy of this decision and order upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court