

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

M86341  
E/cb

ANITA R. FLORIO, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
LEONARD B. AUSTIN, JJ.

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2009-00671

DECISION & ORDER ON MOTION

In the Matter of Tislan Moore, appellant,  
v G. Jessen, et al., respondents.

(Index No. 4181/08)

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Motion by the appellant for leave to serve and file a late notice of an appeal from a judgment of the Supreme Court, Dutchess County, dated October 20, 2008, for leave to prosecute the appeal as a poor person, and for the assignment of counsel.

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

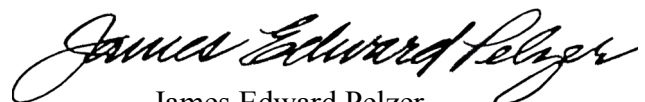
ORDERED that the branch of the motion which is for leave to serve and file a late notice of appeal is denied; and it is further,

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, as untimely taken (*see* CPLR 5513[a]); and it is further,

ORDERED that the branches of the motion which are for leave to prosecute the appeal as a poor person and for the assignment of counsel are denied as academic.

FLORIO, J.P., COVELLO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 8, 2009

MATTER OF MOORE v JESSEN