

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

M86554
E/cb

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2007-09188

DECISION & ORDER ON MOTION

The People, etc., respondent,
v Andrew Goddard, appellant.

(Ind. No. 6872-02)

Motion by the appellant to restore to active status an appeal from a judgment of the Supreme Court, Kings County, rendered September 6, 2007, which was deemed abandoned pursuant to 22 NYCRR 670.8(f), to enlarge the time to perfect the appeal, for leave to prosecute the appeal on the original papers, and to be provided with a copy of the presentence report.

Upon the papers filed in support of the motion and the papers filed in relation 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, and the appellant shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, et seq.) and written directions; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide appellant's 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,

May 14, 2009

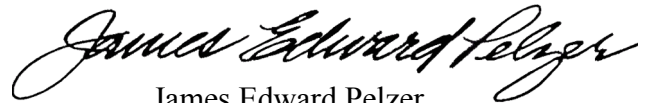
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ORDERED that in the event an issue as to the legality, propriety, or excessiveness of the sentence is raised on appeal, or if appellant's counsel cites or relies upon the probation report in a brief or motion in any other way, counsel shall provide a complete copy of such report and any attachments to the court and the District Attorney's office prior to the filing of such brief or motion.

MASTRO, J.P., SKELOS, DICKERSON and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court