

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

M86564
E/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2006-03558

DECISION & ORDER ON MOTION

The People, etc., respondent,
v Luis Zhangui, appellant.

(Ind. No. 2445/04)

Motion by the respondent to direct the appellant to file a transcript of the minutes of the Wade/Dunaway hearing on an appeal from a judgment of the Supreme Court, Queens County, rendered April 3, 2006. Application by the appellant pro se for poor person relief to the extent that he be provided with the transcript of the minutes of the Wade/Dunaway hearing, without charge, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in relation to the motion, and upon the application, it is

ORDERED that the application is denied with leave to renew on or before June 12, 2009, upon proper papers, including the appellant's affidavit setting forth (1) the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income before conviction, (2) the amount and source of counsel fees paid to retained counsel, and the fee for the trial transcript; and it is further,

ORDERED that on or before June 12, 2009, in the event the appellant does not renew his motion for poor person relief and the assignment of counsel, the appellant shall advise the court whether he (1) will retain new counsel or (2) proceed pro se and adopt the brief filed by his former counsel, as supplemented by the supplemental pro se brief, or rely solely on the supplemental brief; and it is further,

May 13, 2009


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ORDERED that the respondent's motion is held in abeyance in the interim.

MASTRO, J.P., MILLER, CHAMBERS and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

Appellant's Address:

06 R 1613
Mohawk Corr. Fac.
6100 School Rd. - P.O. Box 8451
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