

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

M86570  
E/cb

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2008-06139

DECISION & ORDER ON MOTION

The People, etc., respondent,  
v Clifford Damen, appellant.

(Ind. No. 1654/04)

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Motion by the appellant to enlarge the judgment roll on an appeal from a judgment of the Supreme Court, Kings County, rendered June 10, 2008, to include the transcripts of certain proceedings.

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 decision and order on motion of this court dated September 26, 2008, which granted poor person relief to the appellant is amended to include a direction to the court reporter to make, certify and file two transcripts of the stenographic minutes of the following proceedings, if they are available:

- (1) October 4, 2006, Part 4;
- (2) October 11, 2006, Part 4;
- (3) October 30, 2006, Part 4;
- (4) November 6, 2006, Part 4;
- (5) December 4, 2006, Part 4;
- (6) May 30, 2007, Part 33;
- (7) May 31, 2007, Part 33;
- (8) October 3, 2007, Part 4;
- (9) October 15, 2007, Part 4; and
- (10) October 22, 2007, Part 4; and it is further,

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ORDERED that the stenographer is directed to make, certify and file such minutes within 45 days of the date of this decision and order on motion, and the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see* CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,


ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; 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; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court