

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

M86578  
F/

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL, JJ.

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2009-02102

DECISION & ORDER ON MOTION

The People, etc., ex rel. Gregory Davis,  
appellant, v Robert Ercole, etc., respondent.

(Docket No. 7908/08)

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Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Dutchess, dated February 10, 2009, as a poor person, and for the assignment of counsel.

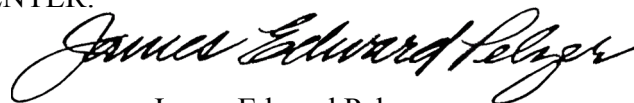
Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the branch of the motion which is for leave to proceed on the original papers is granted, and the appeal shall be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that those branches of the motion which are for a copy of the transcript without charge, to waive payment of the filing fee, and for the assignment of counsel are denied.

FISHER, J.P., COVELLO, ANGIOLILLO, and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 15, 2009

PEOPLE EX REL. DAVIS v ERCOLE