

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

M86581
E/cb

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-04029

ORDER TO SHOW

CAUSE

The People, etc., respondent,
v Marcos Trifundio, appellant.

(Ind. No. 3712/07)

Motion by Lynn W. L. Fahey, Esq., counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered April 23, 2008, in effect, to be relieved on the ground that the appellant has, in effect, abandoned the appeal, by failing to respond to correspondence sent to him by assigned counsel.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the appellant is directed to show cause before this court why an order should or should not be made and entered dismissing the appeal on the ground that he has abandoned the appeal, by filing an affirmation or an affidavit on that issue in the office of the Clerk of this court on or before June 12, 2009; and it is further,

ORDERED that the motion by assigned counsel to be relieved is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this court or his designee is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined, and upon the attorney who last appeared for him, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

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

ENTER:


James Edward Pelzer

May 14, 2009

PEOPLE v TRIFUNDIO, MARCOS

Clerk of the Court

May 14, 2009

PEOPLE v TRIFUNDIO, MARCOS