

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

M86672
E/cb

ROBERT A. SPOLZINO, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2008-08216

ORDER TO SHOW CAUSE

The People, etc., respondent,
v Mahendra Soorajbally, appellant.

(S.C.I. No. 1193/07)

Motion by counsel assigned to represent the appellant on an appeal from a judgment of the Supreme Court, Queens County, rendered July 26, 2007, in effect, to be relieved, on the ground that the appellant has been deported and is no longer available to obey the mandate of the court.

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

ORDERED that on the court's own motion, the parties or their attorneys are 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 the appellant has been deported and is no longer available to obey the mandate of the court (*see People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578) by filing an affidavit or affirmation on that issue with the Clerk of this court on or before June 19, 2009; and it is further,

ORDERED that the assigned counsel's motion 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

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imprisoned, at the institution in which he is confined by ordinary mail pursuant to CPL 470.60(2), and upon the attorney, if any, who last appeared for him, and upon the District Attorney, by regular mail.

SPOLZINO, J.P., COVELLO, ANGIOLILLO and DICKERSON, 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