

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

M86804
J/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2008-03010

ORDER TO SHOW CAUSE

People of State of New York, respondent,
v Daniel A. Padilla, appellant.

On the court's own motion, it is

ORDERED that its order to show cause dated March 31, 2009, in the above-entitled case is recalled and vacated, and the following order to show cause is substituted therefor:

Motion by Kent V. Moston, Esq., counsel assigned to prosecute an appeal from an order of the County Court, Nassau County, dated March 5, 2008, 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 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 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 15, 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).

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

ENTER:


James Edward Pelzer
Clerk of the Court

May 19, 2009

PEOPLE OF STATE OF NEW YORK v PADILLA