

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

M86836
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2002-02813

The People, etc., respondent,
v Jose Dugger, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 97/01)

Motion by the appellant, in effect, to restore to active status an appeal from a judgment of the County Court, Dutchess County, rendered February 28, 2002, for leave to prosecute the appeal as a poor person, and for the assignment of counsel. By order to show cause dated April 8, 2009, the appellant was directed to show cause before this court why an order should or should not be entered dismissing the appeal on the ground of lack of prosecution (*see* 22 NYCRR 670.8[f]), and the motion was held in abeyance in the interim.

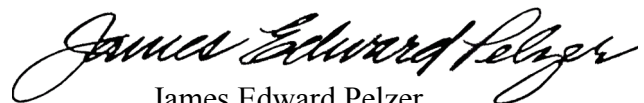
Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed (*see* 22 NYCRR 670.8[f]); and it is further,

ORDERED that the appellant's motion is denied as academic.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 20, 2009

PEOPLE v DUGGER, JOSE