

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

M86912
E/cb

ROBERT A. SPOLZINO, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
L. PRISCILLA HALL, JJ.

2007-08790

ORDER TO SHOW CAUSE

The People, etc., respondent,
v Hans Irizarry, appellant.

(Ind. No. 10452/04)

Motion by the appellant's assigned counsel on appeal from a judgment of the Supreme Court, Queens County, rendered October 11, 2006, 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 motion by the appellant's assigned counsel 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 District Attorney, by ordinary mail pursuant to CPL 470.60(2).

SPOLZINO, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court