

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

M86941  
E/sl

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS  
L. PRISCILLA HALL, JJ.

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2006-06978

The People, etc., respondent,  
MOTION  
v Anthony Struss, appellant.

DECISION & ORDER ON

(Ind. No. 81/02)

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Motion by the respondent to dismiss an appeal from a transcript of the County Court, Dutchess County, dated June 6, 2006, which determined the appellant's motion pursuant to Law 2005, ch 643, on the ground that no appeal lies from such a transcript or to enlarge the time to serve and file a brief.

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

ORDERED that the branch of the motion which is to dismiss the appeal is granted (*see* Law 2005, ch 643; CPL 450.10, 450.30; *cf. Ojeda v Metropolitan Playhouse*, 120 AD2d 717); and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is denied as academic.

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

ENTER.



James Edward Pelzer  
Clerk of the Court

May 22, 2009

PEOPLE v STRUSS, ANTHONY