

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

M87215  
E/sl

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2009-00903

The People, etc., respondent,  
v Orangel Scott Hill, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 2956/06)

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Motion by the appellant for leave to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered November 25, 2008, 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 that the notice of appeal was untimely (*see* CPL 460.10[1][a], 460.30), and the time in which to seek leave to file a late notice of appeal had expired, and the appellant's 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 opposition thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed (*see* CPL 460.10[1][a], 460.30); and it is further,

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

FISHER, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 28, 2009

PEOPLE v HILL, ORANGEL SCOTT