

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

M87233
E/sl

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

2007-08234

The People, etc., respondent,
v Ganesh Kissoon, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 11184/01)

Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Queens County, rendered September 4, 2007, 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) 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 opposition thereto, it is

ORDERED that the branch of the motion which is to dismiss the appeal is granted and the appeal is dismissed (*see People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578); and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's 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 28, 2009

PEOPLE v KISSOON, GANESH