

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

M87413
K/mv

JOSEPH COVELLO, J.

2009-05066

DECISION & ORDER ON MOTION

The People, etc., respondent,
v James Kent, appellant.

(Ind. No. 1200N-08)

Motion by the appellant pursuant to CPL 460.50 for a stay of execution of a judgment of the County Court, Nassau County, rendered May 29, 2009, and to release the appellant on his own recognizance, or in the alternative, to fix reasonable bail.

Upon the papers filed in support of the motion and upon hearing the attorneys for the respective parties, it is

ORDERED that the motion is granted, execution of the judgment is stayed, and bail is set by the giving of an insurance company bail bond in the amount of \$10,000 or by depositing the sum of \$5,000 as a cash bail alternative; and it is further,

ORDERED that the cash bail in the amount of \$5,000 posted during the pendency of the trial on Nassau County Indictment No. 1200N-08, if still on deposit, shall continue to stand as bail pursuant to this order; and it is further,

ORDERED that this stay shall terminate and be of no further effect 120 days from the date hereof and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal shall have been brought to argument or submitted to this court, or unless this court shall have extended this order; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence; and it is further,

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ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the clerk of the court from which the appeal is taken.

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JOSEPH COVELLO
Associate Justice