

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

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MARK C. DILLON, J.P.  
FRED T. SANTUCCI  
JOSEPH COVELLO  
JOHN M. LEVENTHAL, JJ.

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2009-03243

The People, etc., respondent,  
v Malik Barley, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 857/08)

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Motion by the appellant on an appeal from a judgment of the Supreme Court, Nassau County, rendered March 20, 2009, for leave to prosecute the appeal as a poor person, and for the assignment of counsel.

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

ORDERED that the motion is denied, with leave to renew upon proper papers, including the appellant's affidavit setting forth (1) the amount and source of counsel fees paid to retained counsel, and (2) if on bail before conviction, the amount and source of the bail money, and if bail was the appellant's own money, what happened to the same after conviction.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 5, 2009

PEOPLE v BARLEY, MALIK