

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

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E/sl

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2009-04224

DECISION & ORDER ON MOTION

In the Matter of Vicente Paris, appellant,
v Westchester County District Attorney's
Office, etc., respondent.

(Index No. 07-16481)

Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Westchester County, entered April 3, 2008, pursuant to CPLR 5520(a) to extend the time to file a notice of appeal, which was timely served, for leave to prosecute the appeal as a poor person, and to enlarge the time to perfect the appeal.

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 pursuant to CPLR 5520(a) is granted and the notice of appeal, which was timely served, is deemed timely filed (*see* CPLR 5520[a]); and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the branches of the motion which are to waive payment of the filing fee and for free transcripts are denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing his brief on the appeal is enlarged until August 5, 2009.

FISHER, J.P., FLORIO, COVELLO and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court