

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

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E/sl

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-02041

The People, etc., respondent,
v Shawn B. Scott, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1367-08)

Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the County Court, Suffolk County, rendered September 15, 2008, as a poor person, and for the assignment of counsel. By order to show cause dated April 28, 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 appellant had not sought leave to file a late notice of appeal, and the appellant's motion was held in abeyance in the interim.

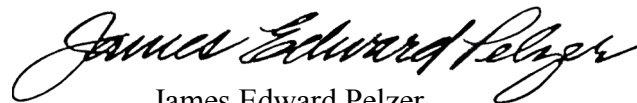
Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in relation thereto, it is

ORDERED that on 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.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 25, 2009

PEOPLE v SCOTT, SHAWN B.