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.

2008-00685

The People, etc., respondent,
v Andre Duberry, appellant.

(Ind. No. 573/07)

DECISION & ORDER ON MOTION

Motion by Lynn W. L. Fahey, Esq., counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered January 10, 2008, to be relieved on the ground that the appellant has, in effect, abandoned the appeal, by failing to respond to correspondence sent to him by assigned counsel. By order to show cause dated April 15, 2009, the appellant was directed to show cause before this court why an order should or should not be made and entered dismissing the appeal on the ground that he had abandoned the appeal, and the motion by assigned counsel to be relieved was held in abeyance in the interim.

Upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the motion by assigned counsel to be relieved and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is held in abeyance pending the receipt of written response from the appellant advising this court as to whether he wishes to proceed with the appeal or wishes to withdraw the appeal; the appellant shall file the written response on or before July 7, 2009.

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

ENTER:

James Edward Pelzer
Clerk of the Court

June 25, 2009

PEOPLE v DUBERRY, ANDRE