

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

M88201  
E/sl

PETER B. SKELOS, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

---

2001-07602, 2006-07573

The People, etc., respondent,  
v Winston Mendez, a/k/a Richard Thomas,  
appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1791/00)

---

Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Queens County, rendered July 19, 2001, and an order of the same court dated March 30, 2005, for leave to prosecute the appeal from the order as a poor person and the assignment of counsel. By order to show cause dated May 12, 2009, the appellant was directed to show cause before this court why an order should or should not be made and entered dismissing the appeals on the ground that he had abandoned the appeals, and the appellant's motion 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 appellant's motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that on the court's own motion, the appeal from the order dated March 30, 2005 (Appellate Division Docket No. 2006-07573), is dismissed, on the ground that it has been rendered academic by the resentencing imposed December 19, 2008; an appeal from the resentencing is pending under Appellate Division Docket No. 2009-03826; and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the order dated March 30, 2005, and the branches of the appellant's motion which are for leave to prosecute the appeal from the order dated March 30, 2005, as a poor person and the assignment of counsel are denied as academic; and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the judgment rendered July 19, 2001 (Appellate Division Docket No. 2001-07602), is denied; and it is further,

June 18, 2009

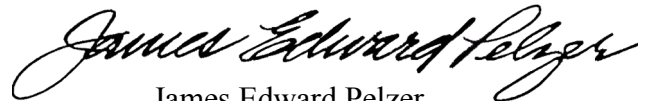
PEOPLE v MENDEZ, WINSTON, a/k/a THOMAS, RICHARD

Page 1.

ORDERED that the branches of the appellant's motion which are for leave to prosecute the appeal from the judgment rendered July 19, 2001, as a poor person and for the assignment of counsel are denied, with leave to renew on or before July 23, 2009, upon proper papers, including the appellant's affidavit setting forth the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income and expenses.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer  
Clerk of the Court