

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

M88493
E/cb

MARK C. DILLON, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-03698

The People, etc., respondent,
v Darold Biggs, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1930/06)

Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Queens County, rendered April 18, 2008, to enlarge the judgment roll to include the transcripts of certain proceedings, before the Supreme Court, Kings County, 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 motion is granted; and it is further,

ORDERED that the decision and order on motion of this court dated July 17, 2008, which granted poor person relief to the appellant is amended to include a direction to the court reporter to make, certify, and file two transcripts of the stenographic minutes of the following proceedings, if they are available:

- (1) June 17, 2006, Part APR3;
- (2) July 31, 2006, Part N;
- (3) September 15, 2006, Part N;
- (4) November 15, 2006, Part N;
- (5) December 12, 2006, Part TAP A;
- (6) February 7, 2007, Part TAP A;
- (7) February 27, 2007, Part K12;
- (8) March 15, 2007, Part K12;
- (9) March 27, 2007, Part JHOH;

- (10) April 27, 2007, Part JHOH;
- (11) May 29, 2007, Part JHOH;
- (12) June 12, 2007, Part JHOH;
- (13) June 25, 2007, Part JHOH;
- (14) November 13, 2007, Part K18;
- (15) November 14, 2007, Part K18;
- (16) November 15, 2007, Part K21;
- (17) December 14, 2007, Part K21; and
- (18) February 11, 2008, Part K11; and it is further,

ORDERED that the stenographer is directed to make, certify, and file such minutes within 45 days of the date of this decision and order on motion, and the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see* CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

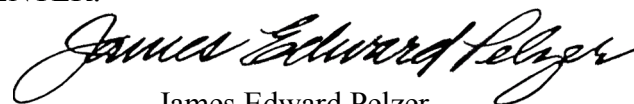
ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

DILLON, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court