

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

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E/sl

MARK C. DILLON, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2005-07183

People of State of New York, respondent,
v Jose Salmeron, appellant.

ORDER TO SHOW CAUSE

Motion by assigned counsel representing the appellant on an appeal from an order of the County Court, Nassau County, dated May 26, 2005, to be relieved, on the ground that the appellant has been deported and is no longer available to obey the mandate of the court.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that on the court's own motion, the parties or their attorneys are 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 the appellant has been deported and is no longer available to obey the mandate of the court (*see People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578) by filing an affidavit or affirmation on that issue with the Clerk of this court on or before July 27, 2009; and it is further,

ORDERED that the assigned counsel's motion is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this court or his designee is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined by ordinary mail pursuant to CPL 470.60(2), and upon the attorney, if any, who last appeared for him, and upon the District Attorney, by regular mail.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:


James Edward Kelly
Clerk of the Court

June 25, 2009

PEOPLE OF STATE OF NEW YORK v SALMERON