

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

M88804
E/mv

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

2005-04458

DECISION & ORDER ON MOTION

People of State of New York, respondent,
v Michael Johnson, appellant.

Motion by counsel assigned to represent the appellant before the Supreme Court, Richmond County, in connection with proceedings pursuant to Correction Law § 168-n to be relieved of an assignment to prosecute an appeal from an order of the Supreme Court, Richmond County, dated April 8, 2005, and to assign new counsel to represent the appellant on the appeal. By order to show cause dated May 8, 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, inter alia, to be relieved 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 motion and the papers filed in relation thereto, it is

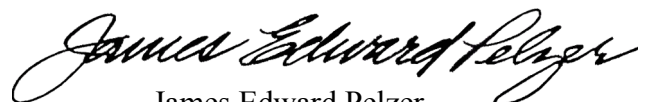
ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that the branch of the motion by assigned counsel to be relieved is granted; and it is further,

ORDERED that the branch of the motion by assigned counsel to assign new counsel is denied as academic.

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

ENTER:



James Edward Pelzer
Clerk of the Court

June 30, 2009

PEOPLE OF STATE OF NEW YORK v JOHNSON