

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

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ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
MARK C. DILLON
JOHN M. LEVENTHAL, JJ.

2008-04029

The People, etc., respondent,
v Marcos Trifundio, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 3712/07)

Motion by Lynn W. L. Fahey, Esq., counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered April 23, 2008, in effect, 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 May 14, 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.

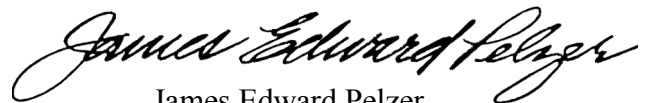
Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the motion by assigned counsel and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed; and it is further,

ORDERED that the motion by assigned counsel to be relieved is granted.

SPOLZINO, J.P., SKELOS, DILLON and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 1, 2009

PEOPLE v TRIFUNDIO, MARCOS