

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

M88812
E/cb

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

2008-08216

The People, etc., respondent,
v Mahendra Soorajbally, appellant.

DECISION & ORDER ON MOTION

(S. C. I. No. 1193/07)

Motion by counsel assigned to represent the appellant on an appeal from a judgment of the Supreme Court, Queens County, rendered July 26, 2007, in effect, to be relieved, on the ground that the appellant has been deported and is no longer available to obey the mandate of the court. By order to show cause dated May 14, 2009, the parties or their attorneys were 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 had been deported and was 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), and assigned counsel's motion was held in abeyance in the interim.

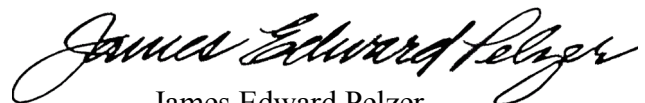
Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the motion by assigned counsel and the papers filed in relation thereto, it is

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

ORDERED that assigned counsel's motion 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 SOORAJBALLY, MAHENDRA