

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

M89801
E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2008-11482, 2008-11483

The People, etc., ex rel. Henry Barrington,
appellant, v Robert E. Ercole, etc., respondent.

DECISION & ORDER ON MOTION

(Index No. 08-0441)

Motion by the appellant pro se to enlarge the time to perfect appeals from two orders of the Supreme Court, Dutchess County, dated July 10, 2008, and August 1, 2008, respectively, for leave to file less than nine copies of his appellant's brief and to waive payment of the filing fee.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

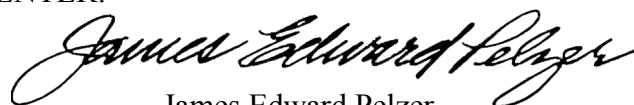
ORDERED that the branch of the motion which is to enlarge the time to perfect the appeals is denied; and it is further,

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, for failure to timely perfect in accordance with the rules (*see* 22 NYCRR 670.8[e]) and prior orders of this court; and it is further,

ORDERED that the motion is otherwise denied as academic.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 23, 2009

PEOPLE EX REL. BARRINGTON v ERCOLE