

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

M89928  
S/sl

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2008-05028

The People, etc., respondent,  
v Khurram Shahzad, respondent.

DECISION & ORDER ON APPLICATION

(Ind. No. 129/08)

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Appeal by the People from an order of the Supreme Court, Nassau County, dated April 22, 2008. Pursuant to *People v Garcia* (93 NY2d 42), this court issued a decision and order on motion dated April 3, 2009, which, inter alia, advised the defendant of his right to counsel. The first decretal paragraph thereof directed the People to personally serve a copy of the decision and order, together with a copy of their brief and appendix on the appeal, on the defendant. The fourth decretal paragraph thereof provided that if personal service cannot be made with due diligence, the People may make an ex parte application to this court for an order authorizing an alternative method of service. Application by the People for the approval of an alternate method of service.

Upon the papers filed in support of the application and on the court's own motion, it is

ORDERED that the application is granted; and it is further,

ORDERED that on or before August 13, 2009, the People are directed to serve a copy of the decision and order on motion dated April 3, 2009, together with a copy of their brief and appendix on the appeal, on the defendant by mailing copies of the order and the brief and appendix to him at his last known address; and it is further,

July 24, 2009

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ORDERED that within 10 days after service thereof, the People shall file proof of such service in the office of the Clerk of this court.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court