

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

M90009
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
L. PRISCILLA HALL, JJ.

2008-03010

DECISION & ORDER ON MOTION

People of State of New York, respondent,
v Daniel A. Padilla, appellant.

Motion by Kent V. Moston, Esq., counsel assigned to prosecute an appeal from an order of the County Court, Nassau County, dated March 5, 2008, 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 19, 2009, the parties or their attorneys were directed to show cause before this court why an order should or should not be 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

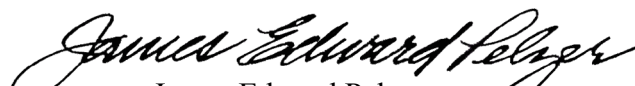
Upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the motion to be relieved and the papers filed in relation thereto, it is

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.

FISHER, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 28, 2009

PEOPLE OF STATE OF NEW YORK v PADILLA