

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

M90012  
E/sl

PETER B. SKELOS, J.P.  
JOHN M. LEVENTHAL  
L. PRISCILLA HALL  
LEONARD B. AUSTIN, JJ.

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2009-03047

The People, etc., respondent,  
v Christopher Casey, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 2948/05)

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Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered December 12, 2008, as a poor person, and for the assignment of counsel. By order to show cause dated June 18, 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 the notice of appeal was untimely (*see* CPL 460.10[1][a], 460.30), and the appellant's motion was held in abeyance in the interim.

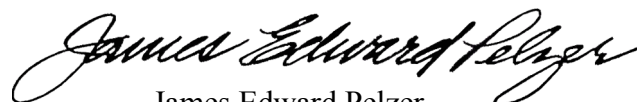
Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed (*see* CPL 460.10[1][a], 460.30); and it is further,

ORDERED that the appellant's motion for leave to prosecute the appeal as a poor person and for the assignment of counsel is denied as academic.

SKELOS, J.P., LEVENTHAL, HALL and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 28, 2009

PEOPLE v CASEY, CHRISTOPHER