

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

M90020
E/sl

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2008-05993

The People, etc., respondent,
v Raymond Smith, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 293/08)


Motion by the respondent to dismiss an appeal from a judgment of the County Court, Orange County, rendered October 12, 2006, on the ground that the appellant “is all but certain [to] be deported shortly” and will no longer be available to obey the mandate of the court.

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 motion is denied as premature without prejudice to renew following a final determination on the appellant’s deportation.

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 29, 2009

PEOPLE v SMITH, RAYMOND