

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

M90022
E/sl

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2008-00916

The People, etc., respondent,
v Dwayne Brooks, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 07-00265)

Motion by the appellant pro se for leave to serve and file a supplemental brief on an appeal from a judgment of the County Court, Orange County, rendered January 23, 2008, and to enlarge the judgment roll to include the minutes of the grand jury proceedings.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the branch of the motion which is for leave to serve and file a supplemental brief is granted; and it is further,

ORDERED that the District Attorney shall file the transcript of the proceedings, if any, and the Clerk of this court shall deliver those minutes to the person in charge of the institution wherein the appellant is incarcerated for examination by the appellant; upon delivering the minutes to the institution, the Clerk of this court shall advise the appellant of the date by which the minutes are to be returned and the brief filed the transcript shall be returned to this court when the appellant files the supplemental brief or informs this court that no supplemental brief will be filed; and it is further,

ORDERED that the appellant shall file nine copies of the supplemental brief and serve one copy on the District Attorney; and it is further,

July 29, 2009

PEOPLE v BROOKS, DWAYNE

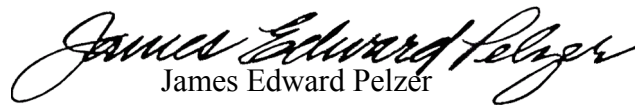
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ORDERED that the branch of the motion which is to enlarge the judgment roll to include the minutes of the grand jury proceedings is granted to the extent that the District Attorney shall file a transcript of the grand jury minutes with the Clerk of this court, for in camera review by the panel of Justices assigned to hear the appeal, and those minutes shall remain sealed upon delivery, and that branch of the motion is otherwise denied.

ORDERED that upon delivering the minutes to the institution, the Clerk of this court shall advise the defendant of the date by which the minutes are to be returned and the brief filed.

SANTUCCI, J.P., ANGIOLILLO, BALKIN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court