

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

M90347  
S/sl

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
DANIEL D. ANGIOLILLO  
RANDALL T. ENG, JJ.

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2008-11010

The People, etc., respondent,  
v Richard Maldonado, appellant.

ORDER TO SHOW CAUSE

(Ind. No. 3455/98)

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On the court's own motion, it is

ORDERED that its order to show cause dated February 3, 2009, in the above-entitled case is recalled and vacated, and the following order to show cause is substituted therefor:

Motion by appellant pro se for leave to prosecute an appeal from a resentence of the Supreme Court, Queens County, imposed October 24, 2008, as a poor person and for the assignment of counsel.

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

ORDERED that on the court's own motion, the parties or their attorneys are 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 appellant is not aggrieved by the resentence, as the resentence merely eliminated a period of post release supervision, by filing an affirmation or affidavit on that issue with the Clerk of this court on or before *August 28, 2009*; and it is further,

ORDERED that the motion is held in abeyance in the interim; and it is further,

August 3, 2009

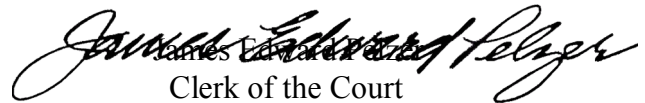
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ORDERED that the Clerk of this court or his designee is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined by ordinary mail pursuant to CPL 470.60(2), and upon the attorney, if any, who last appeared for him, and upon the District Attorney, by regular mail.

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and ENG, JJ., concur.

ENTER:

  
James Edward Helges  
Clerk of the Court