

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

M90413
E/sl

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2007-10104

The People, etc., ex rel., James Burgess,
appellant, v Robert Ercole, etc., respondent.

DECISION & ORDER ON MOTION

(Index No. 1595/07)

Motion by counsel assigned to prosecute an appeal from an order of the Supreme Court, Dutchess County, dated July 31, 2007, to be relieved and for the assignment of new counsel. Application by the appellant pro se to direct assigned counsel to include certain issues in assigned counsel's brief.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, and upon the application, it is


ORDERED that the motion is denied; and it is further,

ORDERED that assigned counsel shall perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing a brief on or before September 4, 2009; and it is further,

ORDERED that the application is denied without prejudice to filing nine copies of a supplemental brief and serving one copy on the respondent on or before December 2, 2009.

SKELOS, J.P., DICKERSON, BELEN and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

August 5, 2009

PEOPLE EX REL. BURGESS v ERCOLE