

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

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E/sl

STEVEN W. FISHER, J.P.  
THOMAS A. DICKERSON  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2003-07509

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

DECISION & ORDER ON MOTION

(Ind. No. 03-1539)

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Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Kings County, rendered August 14, 2003, for failure to prosecute. Application by the appellant pro se for poor person relief and for the assignment of counsel. By order to show cause dated June 25, 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 he had abandoned the appeal, and the respondent's motion and, in effect, the appellant's application was held in abeyance in the interim.

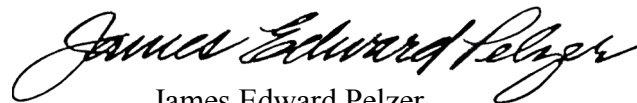
Upon the order to show cause and no papers having been filed in response thereto, upon the papers filed in support of the respondent's motion and the papers filed in relation thereto, and upon the appellant's application, it is

ORDERED that the motion to dismiss the appeal on the ground that the appellant has abandoned the appeal is granted, and the appeal is dismissed; and it is further,

ORDERED that the respondent's motion and the appellant's application are denied as academic.

FISHER, J.P., DICKERSON, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 6, 2009

PEOPLE v BROWN, RICHARD