

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

M90502  
E/sl

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

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2005-07183

DECISION & ORDER ON MOTION

People of State of New York, respondent,  
v Jose Salmeron, appellant.

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Motion by assigned counsel representing the appellant on an appeal from an order of the County Court, Nassau County, dated May 26, 2005, to be relieved, on the ground that the appellant has been deported and is no longer available to obey the mandate of the court. By order to show cause dated June 25, 2009, the parties or their attorneys were 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 had been deported and was no longer available to obey the mandate of the court (*see People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578), and assigned counsel's motion was held in abeyance in the interim.


Upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of assigned counsel's motion and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed (*see People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578); and it is further,

ORDERED that assigned counsel's motion to be relieved is granted.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

August 6, 2009

PEOPLE OF STATE OF NEW YORK v SALMERON