

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

M90670  
E/sl

A. GAIL PRUDENTI, P.J.  
REINALDO E. RIVERA  
JOSEPH COVELLO  
PLUMMER E. LOTT, JJ.

---

2005-11801

The People, etc., respondent,  
v Phillip Mitchell, appellant.

DECISION & ORDER ON MOTION  
Motion to Dismiss Appeal

(Ind. No. 05-377)

---

Motion by the respondent to dismiss an appeal from a judgment of the County Court, Westchester County, rendered November 23, 2005, on the ground of lack of prosecution.

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

ORDERED that the motion is granted and the appeal is dismissed (*see* 22 NYCRR 670.8[f]; CPL 470.60[1]).

PRUDENTI, P.J., RIVERA, COVELLO and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 12, 2009

PEOPLE v MITCHELL, PHILLIP