

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

M91013  
F/

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

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2006-09513

The People, etc., respondent,  
v Robert Kelly, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 6167/05)

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On the court's own motion, it is

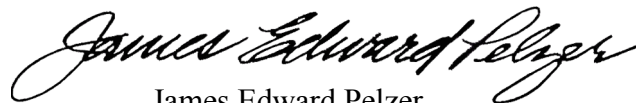
ORDERED that the decision and order on motion of this court, dated March 13, 2009, which granted the appellant's motion for leave to serve and file a supplemental pro se brief on an appeal from a judgment of the Supreme Court, Kings County, rendered September 26, 2006, is recalled and vacated; and it is further,

ORDERED that the appellant's motion for leave to file a supplemental brief is denied.

The appellant has failed to file a supplemental brief although afforded sufficient opportunity to do so.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 21, 2009

PEOPLE v KELLY, ROBERT