

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

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FRED T. SANTUCCI, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-05869

The People, etc., respondent,
v Andrew Derby, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 08-00644)

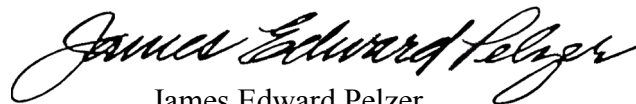
Motion by the appellant pro se on an appeal from a judgment of the Supreme Court, Westchester County, rendered May 28, 2009, for leave to prosecute the appeal as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied, with leave to renew upon proper papers, including the appellant's affidavit setting forth the amount and source of counsel fees paid to retained counsel.

SANTUCCI, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 27, 2009

PEOPLE v DERBY, ANDREW