

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.

2009-03621

The People, etc., respondent,
MOTION
v Marvin Smith, appellant.

DECISION & ORDER ON

Motion Pro se to Relieve Counsel
of

Assignment
(Ind. No. 08-00084)

Motion by the appellant pro se to relieve counsel assigned to prosecute an appeal from a judgment of the County Court, Westchester County, rendered March 17, 2009, and for assignment of new counsel. The appellant's motion to dispense with printing and for the assignment of counsel was granted on June 2, 2009, and the following named attorney was assigned to prosecute the appeal:

Peter Davis, Esq.
P.O. Box 2467
Mt. Vernon, New York 10550

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

ORDERED that the motion is granted; previously assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned to prosecute the appeal:

Marshall L. Goldstein, Esq.
399 Knollwood Road - Suite 112
White Plains, New York 10603

August 26, 2009

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and it is further,

ORDERED that upon service of a copy of this decision and order upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the pre-sentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1 et seq.) and written directions.

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

ENTER 

James Edward Pelzer
Clerk of the Court