

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

M91599
S/sl

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

2008-09604, 2008-09606

The People, etc., respondent,
v Justin Collier, appellant.

DECISION & ORDER ON MOTION
Motion by Counsel to be Relieved

(Ind. Nos. 2805-07, 327-08)

On the court's own motion, it is

ORDERED that its decision and order on motion dated August 26, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by assigned counsel to be relieved of an assignment to prosecute appeals from two judgments of the County Court, Suffolk County, both rendered September 4, 2008. The appellant's motion for leave to prosecute the appeals as a poor person and for assignment of counsel was granted on December 8, 2008, and the following named attorney was assigned as counsel to prosecute the appeals:

Robert C. Mitchell, Esq.
Legal Aid Society of Suffolk County - Appeals Bureau
Post Office Box 1697
Riverhead, New York 11901-3398

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

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ORDERED that the motion is granted, and the former 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 as counsel to prosecute the appeals:

Matthew Muraskin, Esq.
646 Main Street
Port Jefferson, New York, 11777

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 presentence 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 appeals is enlarged; assigned counsel shall prosecute the appeals 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