

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

M93581
E/sl

FRED T. SANTUCCI, J.P.
CHERYL E. CHAMBERS
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2008-08914

The People, etc., respondent,
v Nery Delacruz-Baez, appellant.

DECISION & ORDER ON MOTION
Motion to Dismiss Appeal

(Ind. No. 07-0969)

Motion by the respondent to dismiss an appeal from a judgment of the County, Westchester County, rendered August 26, 2008, 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]).

SANTUCCI, J.P., CHAMBERS, HALL and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 26, 2009

PEOPLE v DELACRUZ-BAEZ, NERY