

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

M93760
E/sl

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
SHERI S. ROMAN, JJ.

2006-01392

The People, etc., respondent,
v Anthony Joseph, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 729-04)

Motion by the appellant to enlarge the time to serve and file a supplemental brief on an appeal from a judgment of the County Court, Suffolk County, rendered January 19, 2006, for leave to prosecute the appeal as a poor person, and to enlarge the time to perfect the appeal.

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

ORDERED that the branch of the motion which is to enlarge the time to serve and file a supplemental brief is granted, counsel shall file the supplemental brief expeditiously in accordance with this court's written directions; and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeal as a poor person is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the minutes of the proceedings during jury selection, and any portion of the trial not previously transcribed and certified (*see* 22 NYCRR 671.9); and it is further,

October 28, 2009

PEOPLE v JOSEPH, ANTHONY

Page 1.

ORDERED that the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see* CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

ORDERED that in the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or his representative access to the record for the purpose of preparing the appeal; such access shall include permission to copy the papers insofar as they pertain to the appellant; and it is further,

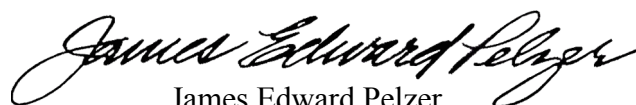
ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is denied as academic as the appeal has been perfected; and it is further,

ORDERED that on or before November 30, 2009, the appellant's new counsel shall submit a letter either adopting the brief filed by former counsel or asking to withdraw the brief filed by former counsel and indicating that he will be filing a replacement brief.

DILLON, J.P., DICKERSON, BELEN and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court