

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

M93807
E/sl

PETER B. SKELOS, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2009-06422, 2009-08347

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign New Counsel
Family Court

In the Matter of Yamilette G. (Anonymous).
New York City Children's Services, petitioner-
respondent; Marlene M. (Anonymous), et al.,
appellants.

(Docket No. N-18029-07)

On the court's own motion, it is

ORDERED that its decision and order on motion dated October 16, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant Edwin G. for leave to prosecute appeals from an order of the Family Court, Kings County, dated June 15, 2009 (Appellate Division Docket No. 2009-06422), and a decision of the same court dated February 6, 2009 (Appellate Division Docket No. 2009-08347), 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 on the court's own motion, the appeal from the decision dated February 6, 2009 (Appellate Division Docket No. 2009-08347), is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see* Family Ct Act § 1112; *Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the branches of the motion which are for leave for the appellant Edwin G. to prosecute the appeal from the decision dated February 6, 2009 (Appellate Division Docket No. 2009-08347), as a poor person, and for the assignment of counsel with respect to that appeal are denied as academic; and it is further,

October 28, 2009

MATTER OF G. (ANONYMOUS), YAMILETTE

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ORDERED that the branches of the motion which are for leave for the appellant Edwin G. to prosecute the appeal from the order dated June 15, 2009 (Appellate Division Docket No. 2009-06422), as a poor person, and for the assignment of counsel with respect to that appeal are granted; and it is further,

ORDERED that pursuant to Family Court Act § 1120 the following named attorney is assigned as counsel to prosecute the appeal by the appellant Edwin G. from the order dated June 15, 2009:

Linda C. Braunsberg, Esq.
370 Powell Street
Staten Island, New York 10312
(718) 317-6614

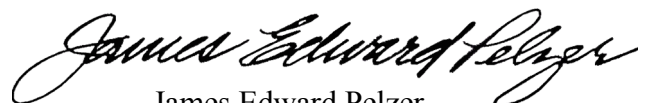
and it is further,

ORDERED that assigned counsel shall prosecute the appeal from the order dated June 15, 2009, expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of this court (22 NYCRR 670.4[a]); and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court of the Family Court, Kings County.

SKELOS, J.P., FLORIO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court