

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

D22868  
Y/cb

\_\_\_\_AD3d\_\_\_\_

Argued - March 6, 2009

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2007-01135

DECISION & ORDER

The People, etc., respondent,  
v Maurice McFee, appellant.

(Ind. No. 1228/05)

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Steven Banks, New York, N.Y. (David Crow of counsel), and Willkie Farr & Gallagher, LLP, New York, N.Y. (Benjamin P. McCallen, Martin B. Klotz, Mei Lin Kwan-Gett, and Brian R. Faerstein of counsel), for appellant (one brief filed).

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and Rebecca Height of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Aloise, J.), rendered January 10, 2007, convicting him of criminal possession of a weapon in the third degree and endangering the welfare of a child, upon a jury verdict, and imposing sentence.

ORDERED that the appeal is dismissed, without prejudice to a motion to reinstate the appeal should the defendant return to this Court's jurisdiction.

The defendant has been deported. Accordingly the appeal must be dismissed, without prejudice to a motion to reinstate the appeal should the defendant return to this Court's jurisdiction (*see People v Mark*, 8 NY3d 907; *People v Hernandez*, 8 NY3d 906; *People v Diaz*, 7 NY3d 831; *People v Wright*, 274 AD2d 599; *People v Malbranche*, 268 AD2d 488; *People v Forde*, 182 AD2d 830).

SKELOS, J.P., SANTUCCI, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

April 28, 2009

PEOPLE v McFEE, MAURICE