

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

D25126
Y/nl

_____AD3d_____

Submitted - October 28, 2009

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-01586

DECISION & ORDER

The People, etc., respondent,
v Ali Ouni, appellant.

(Ind. No. 1671/03)

Jeffrey A. Rabin, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Ronald E. Sternberg
and Scott Shorr of counsel), for respondent.

Appeal by the defendant, as limited by his brief, from an oral decision of the Supreme
Court, Kings County (Brennan, J.), dated January 21, 2009, denying his request for an adjournment.

ORDERED that the appeal is dismissed.

It is settled that “the right to appeal in a criminal action is purely statutory” (*People v Taylor*, 99 AD2d 820, 820; *see People v Stevens*, 91 NY2d 270, 277). The oral denial of the defendant’s request for an adjournment is not a ruling from which a defendant may take an appeal either as of right (*see CPL 450.10*) or by permission (*see CPL 450.15*). The appeal, therefore, must be dismissed (*cf. People v Oskroba*, 305 NY 113, 117).

FISHER, J.P., SANTUCCI, DICKERSON, CHAMBERS and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 24, 2009

PEOPLE v OUNI, ALI