

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

D29547  
J/nl

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

MARK C. DILLON, J.P.  
RUTH C. BALKIN  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2007-00838

DECISION & ORDER ON MOTION

The People, etc., respondent,  
v Darrell Roberson, appellant.

(Ind. No. 769/06)

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Motion by the respondent to vacate a decision and order of this Court dated June 15, 2010, which determined an appeal from a judgment of the Supreme Court, Kings County, rendered January 9, 2007, as amended February 14, 2007, on the ground that the judgment was vacated pursuant to CPL 440.10 on February 1, 2008, prior to the determination of the appeal.

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

ORDERED that the motion is granted and the decision and order of this Court dated June 15, 2010, in the above-entitled action (*People v Darrell Roberson*, 74 AD3d 1102) is recalled and vacated; and it is further,

ORDERED that the appeal is dismissed on the ground that it has been rendered academic by the vacatur of the judgment appealed from on February 1, 2008.

DILLON, J.P., BALKIN, ENG and CHAMBERS, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

December 28, 2010

PEOPLE v ROBERSON, DARRELL