

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

D30592
H/kmb

_____AD3d_____

Argued - March 4, 2011

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
SHERI S. ROMAN, JJ.

2009-06552

DECISION & ORDER

The People, etc., respondent,
v Salih Sevenscan, appellant.

(Ind. No. 12739/91)

Lynn W. L. Fahey, New York, N.Y. (Lisa Napoli of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Phyllis Mintz of counsel), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Guzman, J.), imposed July 2, 2009, as amended July 10, 2009, pursuant to the Drug Law Reform Act of 2004 (L 2004, ch 738), upon his conviction of criminal sale of a controlled substance in the first degree (three counts), upon a jury verdict. Motion by the People to dismiss the appeal on the ground that the appellant has been deported and is no longer available to obey the mandate of this Court.

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

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal is dismissed.

Since the appellant has been deported and is no longer available to obey the mandate

August 23, 2011

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of this Court, the appeal must be dismissed (*see People v Diaz*, 7 NY3d 831; *People v Hutchings*, 40 NY2d 836; *People v Smith*, 115 AD2d 625; *People v Davis*, 87 AD2d 578).

MASTRO, J.P., SKELOS, BALKIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court