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COURT OF APPEALS

STATE OF NEW YORK

PEOPLE,

Respondent,

-against-

No. 209

CRISTIAN MORALES,

Appellant.

20 Eagle Street
Albany, New York 12207
November 17, 2016

Before:

CHIEF JUDGE JANET DIFIORE
ASSOCIATE JUDGE EUGENE F. PIGOTT, JR.
ASSOCIATE JUDGE JENNY RIVERA
ASSOCIATE JUDGE SHEILA ABDUS-SALAAM
ASSOCIATE JUDGE LESLIE E. STEIN
ASSOCIATE JUDGE EUGENE M. FAHEY
ASSOCIATE JUDGE MICHAEL J. GARCIA

Appearances:

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Meir Sabbah
Official Court Transcriber

1 CHIEF JUDGE DIFIORE: The final appeal on
2 today's calendar is appeal number 209, the People of
3 the State of New York v. Cristian Morales.

4 MS. COHEN: Good afternoon, Your Honors,
5 Dori Cohen for Appellant Cristian Morales.

6 I'd like to reserve two minutes for rebuttal.

7 CHIEF JUDGE DIFIORE: Two minutes, Ms.
8 Cohen?

9 MS. COHEN: Yes, please.

10 CHIEF JUDGE DIFIORE: Thank you.

11 MS. COHEN: The rule this court stated in
12 Ventura has Harrison is clear, and applies directly
13 to Mr. Morales' situation. Deported defendants have
14 an absolute statutory right to intermediate appellate
15 review of their convictions, regardless of the issues
16 raised on the appeal or the bases of the deportation,
17 in situations where it's a direct appeal as of right.

18 JUDGE STEIN: Could the Appellate Term have
19 dismissed based upon the failure to timely perfect or
20 - - - or abandonment of the appeal?

21 MS. COHEN: Well, they could have issued an
22 order to show cause as to why the appeal should not
23 be dismissed, and we would have had a chance to
24 respond stating that we fully intended to do the
25 appeal.

1 JUDGE STEIN: Is that the process that's
2 used whenever that's done in that particular court?

3 MS. COHEN: Yes. But in fact, that
4 particular court, they keep track of their cases.
5 The send out status letters. And in this case, it
6 occurred that we responded to every status they sent,
7 and during the course of our communications with the
8 Term, we told them that the - - - that Mr. Morales
9 had been deported, that pursuant to People v. Ventura
10 we had to perfect the appeal, and we intended to
11 perfect the appeal.

12 But we were going to be giving it a lower
13 priority, to do the appeals of other defendants where
14 a result of - - -

15 JUDGE STEIN: Excuse me, the People didn't
16 move to dismiss on that ground.

17 MS. COHEN: No, they did not. They only
18 moved to dismiss after the appeal had already been
19 perfected.

20 And we wanted to do the appeals of defendants
21 where a result would have a more immediate impact. We
22 fully intended to always perfect this appeal. And in
23 fact, it couldn't be perfected right away as respondent
24 states, because first of all, we didn't get assigned till
25 one month after he was deported.

1 JUDGE PIGOTT: What's the downside of it
2 being dismissed without prejudice, so that if he
3 comes back, you know, he can always argue his appeal?

4 MS. COHEN: Well, the downside is that
5 first of all, the transcribed minutes might be harder
6 to obtain because you might not be able to
7 communicate with the court reporter. In addition,
8 the People's witnesses might become unavailable, so
9 there's several downsides.

10 And in fact, this court considered that,
11 that could have been a reason for the Ventura and
12 Harrison decisions. And this court had already
13 decided that these deported defendants would have a
14 right to review. Because prior to Ventura, it used
15 to be that these appeals would get dismissed without
16 prejudice, to be reinstated should the appellant
17 return to the jurisdiction of the court. So - - -

18 JUDGE PIGOTT: And part of that was, you
19 can't get back to the - - - sometimes you can't get
20 back to the jurisdiction of the court because as a
21 result of your conviction, you've been - - - you've
22 been deported, right?

23 MS. COHEN: Yes, yes. But as this court
24 stated in Harrison, that's for the lower court - - -
25 that that issue of what happens with the appeal is

1 for the lower court to deal with. Because I believe
2 you asked the question, Judge Pigott, that if - - -
3 if the - - - if there's a mistake, shouldn't we
4 correct the mistake right now. You asked that in the
5 Harrison oral argument. So - - -

6 CHIEF JUDGE DIFIORE: Counsel, what's the
7 role of appellate counsel, vis-a-vis the relationship
8 with the client, in the appellate process, the
9 interaction and - - - is it your position that you
10 did not need to interact with your client?

11 MS. COHEN: Well, it's our position that -
12 - - first of all, we did interact. He communicated
13 his desire to appeal. So we filed a notice of appeal
14 one week after his conviction. He was immediately
15 remanded into ICE custody because he had fully
16 observed his sentence already on the date of
17 conviction.

18 We then sent him a financial affidavit, and
19 explained to him that he needed to fill it out and return
20 it to us in order to get counsel assigned to the appeal.
21 And he did that, thanking us for taking care of his
22 appeal, and fully - - - when he got deported, he fully
23 knew that his appeal was going to be taken care of. We
24 didn't get assigned until - - -

25 CHIEF JUDGE DIFIORE: And on the

1 substantive issues?

2 MS. COHEN: I'm sorry?

3 CHIEF JUDGE DIFIORE: On the substantive
4 issues associated with the appeal?

5 MS. COHEN: Yes, because it was a direct
6 appeal as of right, it was a full-jury trial; it was
7 completely record based.

8 There was no possibility of additional jail time
9 exposure like there would be in, say, a guilty plea, for
10 example. And it wasn't a permissive appeal, it didn't
11 have any of the issues that the cases cited by respondent,
12 you know - - - those issues were not a factor in the - - -

13 JUDGE PIGOTT: That's your appeal. What
14 about the next one, you know, with all of these, you
15 know, you indicated all of these things that are not
16 part of yours. If they're part of the next one,
17 isn't it always the same, that we're not going to
18 dismiss these cases?

19 MS. COHEN: Well, I think in - - - in the
20 case of a guilty plea where there would be the
21 possibility of additional jail time exposure, there
22 are - - - there would be additional issues associated
23 with that, which is not the case here.

24 But in the case here, it was completely
25 record based, a comprehensive brief was filed in this

1 matter, the Appellate Term never made an order to
2 show cause to dismiss the appeal, and the People
3 never moved to dismiss it, based on lack of
4 perfection.

5 JUDGE RIVERA: How do you handle - - - this
6 is someone who is supposedly unavailable because of
7 deportation. How do you handle other people who
8 might be transient, I think you may have raised in
9 your brief the question of someone who is homeless.
10 What - - - what potential spillover effect does a
11 decision this case have?

12 MS. COHEN: Well, first of all, we always
13 reach out to all of our clients and invite them to
14 communicate with us. And we can't force that
15 communication for some - - - for one reason or
16 another, some of them can't or simply choose not to
17 communicate with us.

18 That should not mean that they lose their
19 rights to intermediate appellate review of their
20 convictions. We are still - - - they are still
21 entitled to have that considered review, so we - - -
22 if it's record based, and there's no possibility of
23 additional jail time exposure, we - - - we do the
24 appeal. We perfect the appeal and write the brief,
25 and file the brief. But - - -

1 JUDGE RIVERA: In your position, if they've
2 gone forward with the notice of appeal, that's - - -

3 MS. COHEN: Notice of appeal and the order
4 of assignment.

5 JUDGE RIVERA: - - - and the order of
6 assignment, that's an indication that they wish to
7 proceed.

8 MS. COHEN: Yes.

9 JUDGE RIVERA: That they are not abandoning
10 the appeal in any shape or form.

11 MS. COHEN: That's correct, Your Honor.
12 And that occurred in this case. That was enough for
13 us to go ahead and do the appeal, and we - - - we
14 communicated with the Appellate Term, they knew about
15 the case, and we - - - they knew - - - they didn't
16 lose track of it in any way, and they accepted the
17 brief when it was filed.

18 JUDGE STEIN: Do we need to know if the
19 appellant is still alive?

20 MS. COHEN: Well - - -

21 JUDGE STEIN: Does that affect anything
22 here? Would it - - - if he wasn't?

23 MS. COHEN: Well, first of all, if he
24 wasn't alive, he would win the appeal.

25 JUDGE STEIN: That's true.

1 JUDGE FAHEY: A stone winner.

2 MS. COHEN: So in that - - - in that case -
3 - -

4 JUDGE RIVERA: He's not incentivized,
5 though.

6 MS. COHEN: - - - our job would be
7 successful. But in a - - -

8 JUDGE STEIN: And not.

9 MS. COHEN: I would suppose. But I - - -
10 if typically, let's say he wasn't deported, and he
11 was here, and he was one of those transient people,
12 we - - - if our letters were not returned to us, we
13 would expect that they - - - they got received, and
14 we wouldn't - - - and for one reason or another, they
15 didn't - - - they weren't communicating with us, and
16 we would - - - we would still be able to do our jobs;
17 they would still be able to have their right to - - -
18 their statutory right to appeal.

19 CHIEF JUDGE DIFIORE: Thank you, counsel.

20 MS. COHEN: Thank you.

21 CHIEF JUDGE DIFIORE: Counsel.

22 MR. CHARNOFF: May it please the court.

23 I'm Adam Charnoff, representing the Office of the
24 District Attorney of Nassau County.

25 Your Honors, the Appellate Term prominently

1 exercised its discretion when it dismissed the appeal of a
2 defendant who had been missing for three-and-a-half years
3 following his deportation and vanishing in Honduras.

4 JUDGE FAHEY: How do you distinguish
5 Harrison and Ventura, or the opposite way, Ventura
6 and Harrison?

7 MR. CHARNOFF: Your Honor, just because
8 this case involves a deported defendant - - -

9 JUDGE FAHEY: Um-hum.

10 MR. CHARNOFF: - - - doesn't mean that the
11 validity of the dismissal isn't as great as it would
12 be applied to a resident of this country. It was
13 dismissed among other reasons for lack of
14 communication between the defendant - - -

15 JUDGE FAHEY: So you're saying it had - - -
16 it would have to be the sole reason for dismissal,
17 that the person was deported.

18 MR. CHARNOFF: If the person was deported.

19 JUDGE FAHEY: All right.

20 JUDGE STEIN: Well, but - - -

21 MR. CHARNOFF: But the Appellate Term made
22 it very clear that it was - - - there were several
23 reasons for the - - -

24 JUDGE STEIN: Well, but the Appellate Term
25 made it without prejudice to - - - right, to renew if

1 he returns to the jurisdiction. It didn't make it
2 without prejudice to renew if he contacted his
3 attorneys. So doesn't that indicate that it was in
4 fact his deportation that was the basis of the - - -
5 of his appeal?

6 MR. CHARNOFF: Possibly, prior to this
7 court's holdings in Harrison and in Ventura, that
8 might have been the reasoning of the Appellate Term.
9 However, now, post-Harrison, post-Ventura, this court
10 could, nevertheless, affirm the order of dismissal,
11 and then direct this defendant to file a motion to
12 reinstate his appeal, in light of the new holdings in
13 Ventura and Serrano.

14 JUDGE ABDUS-SALAAM: But why would that be
15 necessary now, counsel, because apparently he's in
16 contact with his lawyers, and they have the authority
17 to afford - - -

18 MR. CHARNOFF: His - - - his existence has
19 finally been confirmed, and his whereabouts is
20 confirmed. What's still has not been resolved is
21 whether this defendant, during this three-and-a-half-
22 year total disappearance, blackout, no communication,
23 no responding to defense counsel, whether that
24 abandonment is sufficiently overcome by defendant's
25 belated and superficial expression of interest

1 continuing - - -

2 JUDGE RIVERA: But why - - - why is it an
3 abandonment? Got the notice of appeal, get the
4 assignment of counsel, there's no suggest - - - he
5 thanks them for their involvement, is it your
6 position he's got to constantly contact them - - -

7 MR. CHARNOFF: No, right.

8 JUDGE RIVERA: - - - every week he's got to
9 check in and say, I still want to move forward with
10 this appeal?

11 MR. CHARNOFF: No, Your Honor. What I do
12 say is that there's a lot of information missing from
13 this case. We don't know what efforts my opposing
14 counsel did make to contact this defendant, nor does
15 she say - - - she does not - - -

16 JUDGE RIVERA: Well, what I'm saying is,
17 why - - - why would she have to say that? She's got
18 to - - -

19 MR. CHARNOFF: Because that - - -

20 JUDGE RIVERA: - - - she's got a client who
21 said move forward with this appeal, and they're
22 moving forward with the appeal. Why does she have to
23 say that? And at what point in time - - -

24 MR. CHARNOFF: Because - - -

25 JUDGE RIVERA: - - - under your rule, is

1 sort of the client who is not checking in regularly,
2 or is just receiving mail and doesn't respond to it,
3 now the person who has abandoned?

4 MR. CHARNOFF: Well, especially somebody
5 who is in another country, who is receiving
6 communications from his attorney, and I assume that
7 his attorney was trying to communicate with him - - -

8 JUDGE RIVERA: Um-hum.

9 MR. CHARNOFF: - - - at some point, there
10 is a responsibility for a defendant to at least
11 respond in a minimal way. I mean, it's - - -

12 JUDGE STEIN: But isn't that what - - -

13 MR. CHARNOFF: - - - just - - -

14 JUDGE RIVERA: To say what, I'm - - - I got
15 your letter, thanks; is that what you mean? Because
16 let's say there's nothing in the letter that triggers
17 any concern on the part of the client.

18 MR. CHARNOFF: Well - - -

19 JUDGE RIVERA: They're still satisfied with
20 the representation they are, up to that point,
21 receiving.

22 MR. CHARNOFF: Well, there is a - - -

23 JUDGE RIVERA: You're saying they still got
24 to contact?

25 MR. CHARNOFF: There is a responsibility to

1 at least respond at some point, I got your letter, I

2 - - -

3 JUDGE RIVERA: Doesn't that ignore this
4 particular situation - - -

5 MR. CHARNOFF: Yes.

6 JUDGE RIVERA: - - - where someone is
7 deported, were maybe, extremely difficult to
8 communicate, and yet, that person, beforehand has
9 clearly - - -

10 MR. CHARNOFF: But the - - -

11 JUDGE RIVERA: - - - made it clear that
12 they want to move forward with the appeal?

13 MR. CHARNOFF: But clearly in this case
14 there was ability to communicate. I mean, in
15 opposing counsel's brief to this court, they are in
16 regular contact via email, via text.

17 JUDGE PIGOTT: So what's the downside? I
18 mean, why don't you just let the appeal go forward?
19 It's a DWI; it's not a killer case.

20 MR. CHARNOFF: The downside is that this
21 court should not create a misimpression that the
22 intermediate appellate courts have absolutely no
23 discretion to control their overburdened docket.

24 JUDGE STEIN: No, but here, the Appellate
25 Term could have served an order to show cause, or

1 sent an order to show cause, as it's my understanding
2 that's - - - that's the way they do it, why - - - it
3 shouldn't be dismissed based upon abandonment.

4 MR. CHARNOFF: Well, it was only due - - -

5 JUDGE STEIN: You could do that, right?

6 MR. CHARNOFF: - - - to my motion to
7 dismiss that that became - - -

8 JUDGE STEIN: Or you didn't move to dismiss
9 on that ground either, did you?

10 MR. CHARNOFF: I did.

11 JUDGE STEIN: You did? On abandonment?

12 MR. CHARNOFF: Among other reasons. So it
13 was abandonment, also irregularity of preparing a
14 brief without any communication with, or input from a
15 client.

16 And also, just the - - - it was just not
17 clear whether this defendant was alive or dead. What
18 was his existence? And in that particular situation,
19 even intermediate appellate courts should be allowed
20 to control their dockets to remove those appeals of
21 defendants absent - - -

22 JUDGE STEIN: But not a - - -

23 MR. CHARNOFF: - - - a showing that the
24 defendant existed.

25 JUDGE STEIN: But not if it's just based on

1 something other than that, if it's based on the fact
2 that he was deported.

3 MR. CHARNOFF: Exactly. And this case
4 would also afford the court an opportunity to perhaps
5 come up with some guidelines for - - -

6 JUDGE RIVERA: Isn't it the attendant
7 circumstances of deportation a difficulty to have
8 ongoing communication with counsel? If counsel came
9 back, just take - - - counsel comes back on the
10 motion, says, yes, the last I spoke to the client,
11 the last time there was communication with the
12 client, the client made very clear, we're moving
13 ahead with this appeal; would that be enough, even if
14 there's no communication for another two years?

15 MR. CHARNOFF: Two years or three-and-a-
16 half years, it is incumbent - - - it should be
17 incumbent on counsel to first ascertain whether the
18 defendant still existed, and where he existed, before
19 undertaking the preparation of a very lengthy - - -

20 JUDGE RIVERA: Does that - - - that kind of
21 presumption applies in this involuntary deportation
22 context?

23 MR. CHARNOFF: Yes.

24 JUDGE PIGOTT: Mr. Charnoff, I'm curious,
25 are we talking big numbers here? In other words, it

1 struck me that - - - let's assume there's, I don't
2 know, let's make it fifty of these appeals pending,
3 they're all dismissed without prejudice. This one
4 comes back.

5 MR. CHARNOFF: Correct.

6 JUDGE PIGOTT: The other forty-nine are
7 sitting there somewhere, why not just hear it? The
8 other forty-nine are probably laying there for the
9 next ten years.

10 MR. CHARNOFF: Because those are forty-nine
11 or fifty cases that - - - to which there should not
12 be an allocation of scarce appellate judicial
13 resource.

14 JUDGE PIGOTT: There aren't, they're just
15 sitting over on a shelf; they've been dismissed
16 without prejudice.

17 MR. CHARNOFF: Right. Oh, you - - - I'm
18 sorry, then, I misunderstood the question.

19 JUDGE PIGOTT: I'm saying, just leave them
20 out there. Whether somebody - - - if somebody comes
21 in and says, guess what, we found - - - we found our
22 client - - -

23 MR. CHARNOFF: They could do a motion to
24 reinstate the appeal.

25 JUDGE PIGOTT: Okay.

1 JUDGE RIVERA: And what would be the
2 standard to grant the motion? Is there a burden or
3 is there going to be pro forma?

4 MR. CHARNOFF: The burden would be the
5 alleging of fact in affidavits from the defendant,
6 affirmations from appellate counsel, asserting
7 certain facts which demonstrated that the defendant
8 did not abandon his appeal, that defendant, in fact,
9 may had been unaware of counsel's actions in trying
10 to communicate with him, any - - - any number of
11 things.

12 But there have to be allegations of
13 additional facts that would support a - - - an
14 Appellate Term's decision to be reinstated.

15 JUDGE RIVERA: "When I left, I told them I
16 wanted to move forward, I filled out all the forms,
17 they did a notice of appeal, I got deported, I got
18 thrown in jail for three years."

19 MR. CHARNOFF: Right.

20 JUDGE RIVERA: "There was no way to
21 communicate with me. I always understood that they
22 were going to move forward with the appeal."

23 I assume that's an example where - - -

24 MR. CHARNOFF: That's an example - - -

25 JUDGE RIVERA: - - - you say that works.

1 MR. CHARNOFF: Correct.

2 JUDGE RIVERA: Okay. So why can't they
3 move forward with the appeal while the deportee is in
4 some jail in another country? Why not?

5 MR. CHARNOFF: Because he's simply in
6 another jail?

7 JUDGE RIVERA: Yes.

8 MR. CHARNOFF: Well, that's different from
9 this particular case.

10 JUDGE RIVERA: And if they were in the
11 United States, you could continue, right?

12 MR. CHARNOFF: Correct.

13 JUDGE RIVERA: Right.

14 MR. CHARNOFF: But there is - - -

15 JUDGE RIVERA: And would you complain if -
16 - - would you be saying to us, she's got to
17 communicate with her client regularly?

18 MR. CHARNOFF: No, no, what I'm saying is,
19 there has to be at least minimal communication. Even
20 one conversation, whether it be orally, in letter, in
21 email.

22 JUDGE STEIN: At what point? At what
23 point, how often?

24 MR. CHARNOFF: Once every three-and-a-half
25 years; how is that? I think it's - - - it's quite

1 reasonable for an intermediate appellate court to at
2 least have some reassurance that this defendant,
3 after such a long period of time had elapsed, is
4 alive, exists, and is interested in proceeding.

5 JUDGE ABDUS-SALAAM: People don't get
6 declared to be dead unless they're missing for about
7 seven years, right, counsel? Usually, that's what
8 happens.

9 MR. CHARNOFF: Right. But the point is,
10 does the Appellate Term have to be required to still,
11 you know, determine the merits of this possibly
12 deceased defendant?

13 JUDGE PIGOTT: But I don't understand why
14 you're so concerned about that. I mean, they - - -
15 they're the ones that have to be concerned about
16 that, that their client is dead or alive, or all of
17 this stuff. And they filed the brief, and your - - -
18 your point is that they should have filed a motion -
19 - -

20 MR. CHARNOFF: Correct.

21 JUDGE PIGOTT: - - - instead of filing the
22 brief. Then you moved to dismiss. But the brief is
23 there; you could have filed another one, we would
24 have been done with this case about two-and-a-half
25 years ago.

1 MR. CHARNOFF: That is true, but this
2 affords the court the opportunity to provide some
3 guidance in the future.

4 JUDGE PIGOTT: We appreciate that very
5 much.

6 CHIEF JUDGE DIFIORE: Thank you, counsel.

7 MR. CHARNOFF: Thank you very much.

8 CHIEF JUDGE DIFIORE: Ms. Cohen, what about
9 your colleague's argument about the application of
10 scarce judicial resources? How does that fit in for
11 us?

12 MS. COHEN: Well, Your Honor, first of all,
13 there was no abandonment of this appeal. We got
14 assigned to appeal, there was nothing defective or
15 irregular about this. We perfected the appeal, and
16 then after that, the Appellate Term dismissed it
17 partially based on his deportation, and cited
18 Ventura.

19 So contrary to what respondent just stated,
20 Ventura had already been decided prior to the
21 dismissal of this appeal.

22 That - - - we were without authority to not go
23 ahead with the appeal because of the order of assignment.
24 We never heard anything from the defendant that stated,
25 don't go ahead with my appeal. The last instructions he

1 gave us were to do the appeal. So we were complying with
2 the order of assignment.

3 We - - - there's never been a rule regarding
4 communication between appellate counsel and their clients.

5 JUDGE PIGOTT: I didn't notice it, but why
6 did it take three-and-a-half years? And if you're
7 going ahead with the appeal, you know, why wouldn't
8 it have happened within nine months of the soun - - -
9 of the sentence?

10 MS. COHEN: Well, first of all, it took
11 nine months to get the transcripts in this proceeding
12 and to settle the record. So for the first nine
13 months, after he was deported, no one could
14 physically work on the appeal. These things take
15 time, apparently.

16 So then - - - but then for the remaining
17 two years or whatever it is, we - - - we gave it a
18 lower priority to work on the appeals of other
19 clients in which there would be a more immediate
20 impact, and we notified the Appellate Term that we
21 were doing that.

22 JUDGE PIGOTT: So some of the scarce
23 resources are your own, that we're talking about,
24 right?

25 MS. COHEN: That's true. But this court -

1 - - this court issued Ventura, and we tried to comply
2 with it. And we believed that Mr. Morales fell
3 squarely within that framework, and - - - and the
4 rule was that we had to do his appeal. We got
5 assigned to it, the ruling in Ventura came down one
6 year earlier, so we felt that we were - - - we felt
7 an obligation to perfect his appeal.

8 JUDGE RIVERA: Should it have been
9 reassigned then, to counsel that didn't have the
10 kinds of, perhaps, financial challenges and demands,
11 volume demands that your office has - - -

12 MS. COHEN: Well - - -

13 JUDGE RIVERA: - - - so that we wouldn't be
14 waiting this - - - or the client and the court
15 wouldn't be waiting these two or three years.

16 MS. COHEN: Well, the court found him to be
17 indigent, Your Honor, so he's always going to get
18 assigned counsel, and - - -

19 JUDGE RIVERA: So it would be the same - -
20 -

21 MS. COHEN: It would be the - - -

22 JUDGE RIVERA: You're saying it would be
23 the same situation regardless.

24 MS. COHEN: Yes.

25 JUDGE GARCIA: Counsel, I'm having some

1 trouble understanding how Judge Pigott's question
2 about your scarce resources would affect this
3 analysis.

4 JUDGE PIGOTT: Well, I think that's just a
5 fundamental misunderstanding by Judge Garcia of my
6 question in the first place.

7 JUDGE PIGOTT: I'm thinking I can't wait to
8 get your appeals up here in the future.

9 We're joking.

10 JUDGE ABDUS-SALAAM: It's like baseball.

11 CHIEF JUDGE DIFIORE: Thank you, counsel.

12 MS. COHEN: Thank you.

13 JUDGE FAHEY: Really, let's see if we can
14 get those too, yeah.

15 (Court is adjourned)

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C E R T I F I C A T I O N

I, Meir Sabbah, certify that the foregoing transcript of proceedings in the Court of Appeals of People v. Cristian Morales, No. 209 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



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