

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

M243911  
SL/

ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2017-10104

The People, etc., respondent,  
v Tymel A. Smith, appellant.

ORDER TO SHOW CAUSE

(Ind. No. 106N/16)

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Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Nassau County, rendered January 23, 2017, as a poor person, and for the assignment of counsel.

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

ORDERED that on the Court's own motion, the appellant is directed either (1) to show cause before this Court why the appeal should not be dismissed on the ground that the notice of appeal from the judgment was untimely (*see* CPL 460.30) by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before March 19, 2018, or (2), if so advised, to make a motion pursuant to CPL 460.30 to deem the notice of appeal timely filed, on or before March 19, 2018; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to respond to the order to show cause or to make a motion pursuant to CPL 460.30:

Jan Murphy, Esq.  
6 Fenimore Lane  
Huntington, NY 11743

and it is further,

January 18, 2018

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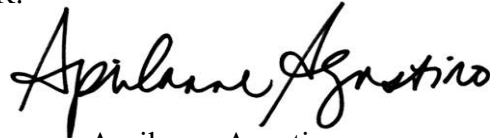
ORDERED that the appellant's motion is held in abeyance pending determination of this Court's motion to dismiss the appeal; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this order to show cause upon the clerk of the court from which the appeal is taken; and it is further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the appellant at the appellant's last known place of residence or, if the appellant is imprisoned, at the institution in which the appellant is confined, upon the attorney who last appeared for the appellant, upon the attorney named above, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court