

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

M244148
E/afa

CHERYL E. CHAMBERS, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
ANGELA G. IANNACCI, JJ.

2016-02077

The People, etc., respondent,
v Gerard K. Fleming, appellant.

ORDER TO SHOW CAUSE

(Ind. No. 76/15)

Motion by counsel assigned to prosecute an appeal from a judgment of the County Court, Dutchess County, rendered January 21, 2016, to be relieved on the ground that the appellant has abandoned the appeal by failing to respond to communications by assigned 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 to show cause before this Court why an order should or should not be made and entered dismissing the appeal on the ground that the appellant has abandoned the appeal, by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before February 5, 2018; and it is further,

ORDERED that the motion by assigned counsel to be relieved is held in abeyance in the interim; 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 his last known place of residence or, if he is imprisoned, at the institution in which he is confined, and upon the attorney who last appeared for him, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

CHAMBERS, J.P., SGROI, HINDS-RADIX and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 3, 2018

PEOPLE v FLEMING, GERARD K.