

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

M244150  
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RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2012-07167

The People, etc., respondent,  
v Jose Antonio Tzintzunfrias, appellant.

ORDER TO SHOW CAUSE

(Ind. No. 421/11)

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Motion by counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Richmond County, rendered March 20, 2012, in effect, to be relieved on the ground that the appellant has abandoned the appeal by failing to respond to communications from assigned counsel. By decision and order dated April 26, 2017, the matter was remitted to the Supreme Court, Richmond County, for further proceedings on the appellant's motion to withdraw his plea of guilty, and the appeal was held in abeyance pending receipt of the Supreme Court's report. In its report dated June 30, 2017, the Supreme Court advised that the appellant had withdrawn his motion to withdraw his plea of guilty.

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, in effect, 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

January 3, 2018

PEOPLE v TZINTZUNFRIAS, JOSE ANTONIO

Page 1.

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).

BALKIN, J.P., AUSTIN, LASALLE and BRATHWAITE NELSON, 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