

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

M244158
E/afa

MARK C. DILLON, J.P.
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2017-08668

ORDER TO SHOW CAUSE

People of the State of New York, respondent,
v Claude Schirmer, appellant.

Motion by the appellant's assigned counsel on an appeal from an order of the County Court, Suffolk County, dated June 26, 2017, in effect, to be relieved on the ground that no appeal lies from an order entered upon the consent of the appealing party.

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 no appeal lies from an order entered upon the consent of the appealing party (*see* CPLR 5511), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before February 8, 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.

DILLON, J.P., HINDS-RADIX, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 8, 2018

PEOPLE OF STATE OF NEW YORK v SCHIRMER