

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

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RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
VALERIE BRATHWAITE NELSON
LINDA CHRISTOPHER, JJ.

2017-03302, 2017-10351

The People, etc., respondent,
v Joseph Borelli, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1750/15)

Motion by the appellant pro se for leave to prosecute appeals from a judgment of the Supreme Court, Nassau County, rendered May 20, 2016, and an order of the same court dated February 23, 2017, as a poor person, and for the assignment of counsel. By order to show cause dated July 6, 2017, inter alia, the appellant was directed to show cause before this Court why the appeal from the judgment rendered May 20, 2016, should not be dismissed on the ground that the notice of appeal was untimely, counsel was assigned to respond to the order to show cause, and the appellant's motion was held in abeyance in the interim. By order to show cause dated October 11, 2017, the appellant's motion and this Court's motion to dismiss the appeal from the judgment rendered May 20, 2016, were held in abeyance, the appellant was directed to show cause why the appeal from the order dated February 23, 2017, should not be dismissed on the ground that the order was not appealable either by right or by permission, and counsel was assigned to respond to the order to show cause.

Now, upon the orders to show cause dated July 6, 2017, and October 11, 2017, respectively, and the papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal from the judgment rendered May 20, 2016, is granted, and the appeal is dismissed (*see* CPL 460.30); and it is further,

ORDERED that the motion to dismiss the appeal from the order dated February 23, 2017, is granted, and the appeal is dismissed (*see* CPL 450.10, 450.15); and it is further,

January 4, 2018

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ORDERED that the appellant's motion is denied as academic.

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