

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

M244291  
E/rr

RUTH C. BALKIN, J.P.  
JOHN M. LEVENTHAL  
SYLVIA O. HINDS-RADIX  
JOSEPH J. MALTESE, JJ.

---

2007-00462

The People, etc., respondent,  
v Kenneth Toney, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1580D/06)

---

Motion by the respondent to dismiss, for failure to prosecute, an appeal from a judgment of the County Court, Suffolk County, rendered December 1, 2006, which was deemed abandoned pursuant to 22 NYCRR 670.8(f).

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

ORDERED that the motion is dismissed without prejudice to renew upon proper papers, including proof of service 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, by ordinary mail pursuant to CPL 470.60(2).

BALKIN, J.P., LEVENTHAL, HINDS-RADIX and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 8, 2018

PEOPLE v TONEY, KENNETH