

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

M244484
E/afa

JOHN M. LEVENTHAL, J.P.
LEONARD B. AUSTIN
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2017-11005

The People, etc., respondent,
v Delesley Dessasau, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 197/16)

On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated January 5, 2018, in the above-entitled appeal is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant on an appeal from a judgment of the Supreme Court, Queens County, rendered August 14, 2017, to extend a stay of execution of said judgment, which was granted by the Supreme Court, Queens County, on that date, pending determination of the appeal to this Court.

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

ORDERED that the motion is granted, and the stay of execution of the judgment granted by the Supreme Court, Queens County, on August 14, 2017, is extended pending hearing and determination of the appeal, on condition that the appeal is perfected by March 19, 2018, and on the same conditions as set by the Supreme Court, Queens County; and it is further,

ORDERED that this stay shall terminate and be of no further effect, and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal is perfected on or before March 19, 2018; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence.

LEVENTHAL, J.P., AUSTIN, MILLER and DUFFY, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 9, 2018

PEOPLE v DESSASAU, DELESLEY