

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

M244981  
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RUTH C. BALKIN, J.P.  
CHERYL E. CHAMBERS  
COLLEEN D. DUFFY  
HECTOR D. LASALLE, JJ.

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2016-08488

The People, etc., respondent,  
v Jose Nunez-Garcia, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 708N/14)

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Motion by the respondent on an appeal from a judgment of the Supreme Court, Nassau County, rendered July 19, 2016, to strike stated portions of the appellant's brief on the grounds that they contain or refer to matter de hors the record. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

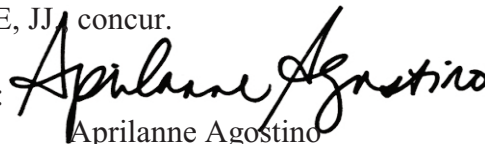
ORDERED that the branch of the motion which is to strike an undated newsday.com article is denied as unnecessary as no unbound page containing that article is present in the copies of the appellant's brief filed with the Clerk of the Court; and it is further,

ORDERED that the branch of the motion which is to strike the last sentence of footnote 20 on page 21 of the appellant's brief is granted, and on or before March 2, 2018, the appellant shall delete the last sentence of footnote 20 on page 21 from the copies of the appellant's brief filed with the Clerk of the Court; and it is further,

ORDERED that the application is granted, the respondent's time to serve and file a brief is enlarged until April 3, 2018, and the respondent's brief shall be served and filed on or before that date.

BALKIN, J.P., CHAMBERS, DUFFY and LASALLE, JJ. concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

February 13, 2018

PEOPLE v NUNEZ-GARCIA, JOSE