

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

M245008  
SL/

WILLIAM F. MASTRO, J.P.  
JEFFREY A. COHEN  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2015-05474

The People, etc., respondent,  
v Blake Wingate, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 186/14)

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Motion by assigned counsel to be relieved of the assignment to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered June 16, 2015, and for the assignment of new counsel. The appellant's motion for leave to prosecute the appeal as a poor person and for assignment of counsel was granted on October 12, 2017, and the following named attorney was assigned as counsel to prosecute the appeal:

Seymour W. James, Jr., Esq.  
The Legal Aid Society  
199 Water Street - 5<sup>th</sup> Floor  
New York, New York 10038

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

ORDERED that the motion is granted, and the former assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

Herbert Kellner, Esq.  
The Law Firm of Guttman & Kellner, P.C.  
25 West Main Street  
Smithtown, NY 11787

and it is further,

February 15, 2018

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ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report, and to provide additional copies to this Court upon demand; and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this Court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken.

MASTRO, J.P., COHEN, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

*Appellant's Address:*  
15-A-3206  
Auburn Corr. Fac.  
P.O. Box 618  
Auburn, NY 13024