

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

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MARK C. DILLON, J.P.
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2005-07388

The People, etc., respondent,
v Frank Barnett, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1860-04)

Motion by the respondent to dismiss, for failure to prosecute, an appeal from a judgment of the County Court, Suffolk County, rendered June 21, 2005, which was deemed abandoned pursuant to 22 NYCRR 670.8(f).

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

ORDERED that the motion is denied, without prejudice to renew upon proper papers, including proof of service upon the appellant, inter alia, at his last known place of residence or, if he is imprisoned, at the institution at which he is confined (*see* CPL 470.60[2]), or, if so advised, to make a motion to abate the appeal pursuant to *People v Mintz* (20 NY2d 770).

DILLON, J.P., HINDS-RADIX, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 29, 2018

PEOPLE v BARNETT, FRANK