

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

M245425
F/afa

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

2016-06175, 2016-06176

The People, etc., respondent,
v Kyle S. Novotny, appellant.

DECISION & ORDER ON MOTION

(Ind. Nos. 214/13, 263/13)

On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated December 29, 2017, in the above-entitled case, is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by Kyle S. Novotny on appeals from two judgments of the County Court, Putnam County, both rendered April 28, 2016, pursuant to CPL 460.30 for an extension of time to take an appeal from the judgment rendered under Indictment No. 263/13.

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

ORDERED that the motion is denied as unnecessary, as the notice of appeal was timely filed (*see* CPL 460.10[1]).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

January 31, 2018

PEOPLE v NOVOTNY, KYLE S.