

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

M245890  
SL/

WILLIAM F. MASTRO, J.P.  
MARK C. DILLON  
JOSEPH J. MALTESE  
ANGELA G. IANNACCI, JJ.

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2017-11051

The People, etc., respondent,  
v Eduardo Najera, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 16-00331)

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Motion by assigned counsel to be relieved of the assignment to prosecute an appeal from a judgment of the County Court, Rockland County, rendered August 29, 2017, 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 December 11, 2017, and the following named attorney was assigned as counsel to prosecute the appeal:

James Licata  
Office of the Public Defender  
11 New Hempstead Road  
New City, New York 10956-3664

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:

Mark Diamond, Esq.  
Box 287356  
Yorkville Station  
New York, NY 10128

and it is further,

February 8, 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., DILLON, MALTESE and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court