

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

M246336
SL/

JOHN M. LEVENTHAL, J.P.
CHERYL E. CHAMBERS
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2013-11112

The People, etc., respondent,
v Rasheen Everett, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1592/10)

On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated February 2, 2018, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant pro se to relieve counsel assigned to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered December 5, 2013, and for assignment of new counsel. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief. The appellant's motion to dispense with printing and for the assignment of counsel was granted on February 24, 2014, and the following named attorney was assigned to prosecute the appeal:

Paul Skip Laisure, Esq.
Appellate Advocates
111 John Street - 9th Floor
New York, New York 10038

Upon the papers filed in support of the motion and the papers filed in relation 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 motion is granted; previously assigned counsel is directed to turn over all papers in the action to new counsel herein assigned; and it is further,

February 15, 2018

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

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

and it is further,

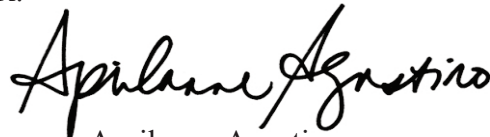
ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the pre-sentence report prepared in connection with the defendant's sentencing, including the recommendation sheet 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 to provide additional copies to this Court upon demand; and it is further,

ORDERED that the brief filed by former assigned counsel is stricken and new assigned counsel shall serve and file a replacement brief expeditiously in accordance with this Court's rules (*see* 22 NYCRR 670.1 *et seq.*) and written directions; and it is further,

ORDERED that the application is denied as academic.

LEVENTHAL, J.P., CHAMBERS, MILLER and DUFFY, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court