

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

M246743
E/jr

WILLIAM F. MASTRO, J.P.
JOHN M. LEVENTHAL
BETSY BARROS
VALERIE BRATHWAITE NELSON, JJ.

2017-05489

The People, etc., respondent,
v Tinkita Smith, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 10486/15)

Motion by the appellant on an appeal from a judgment of the Supreme Court, Kings County, rendered April 20, 2017, to continue a stay of execution of said judgment, which was granted by a decision and order on motion of this Court dated August 9, 2017, and extended by a decision and order on motion of this Court dated December 15, 2017.

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

ORDERED that the motion is granted and the stay of execution of the judgment granted by the decision and order on motion of this Court dated August 9, 2017, and extended by a decision and order on motion of this Court dated December 15, 2017, is extended pending determination of the appeal on condition that the appeal is perfected by April 27, 2018, and upon the same conditions imposed by the decision and order on motion of this Court dated August 9, 2017; and it is further,

ORDERED that this stay shall terminate and be of no further effect, and the appellant shall thereafter surrender to serve the sentence imposed, unless the appeal is perfected on or before April 27, 2018; and it is further,

ORDERED that upon the termination of this stay as provided above, this order shall constitute authorization to any peace officer to arrest and deliver the appellant to the sentencing court to begin the execution of sentence; and it is further,

ORDERED that counsel for the appellant shall serve a copy of this order, by mail, on the clerk of the court from which the appeal is taken.

MASTRO, J.P., LEVENTHAL, BARROS and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court