

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

M247155
E/afa

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SANDRA L. SGROI
JEFFREY A. COHEN, JJ.

2016-10714

The People, etc., respondent,
v Jose Pena, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1260N/16)

Motion by the counsel assigned to prosecute an appeal from a judgment of the County Court, Nassau County, rendered September 8, 2016, to be relieved on the ground that the appellant has abandoned the appeal by failing to respond to communications by assigned counsel. By order to show cause dated January 3, 2018, the appellant was directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal on the ground that the appellant had abandoned the appeal, and the motion by assigned counsel to be relieved was held in abeyance in the interim.

Now, upon the order to show cause and no papers having been filed in response thereto, it is

ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed; and it is further,.

ORDERED that the motion by assigned counsel to be relieved is denied.

MASTRO, J.P., CHAMBERS, SGROI and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 8, 2018

PEOPLE v PENA, JOSE