

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

M247158
E/rr

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

2017-08668

People of the State of New York, respondent,
v Claude Schirmer, appellant.

DECISION & ORDER ON MOTION

Motion by the appellant's assigned counsel on an appeal from an order of the County Court, Suffolk County, dated June 26, 2017, in effect, to be relieved on the ground that no appeal lies from an order entered upon the consent of the appealing party. By order to show cause dated January 8, 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 no appeal lies from an order entered upon the consent of the appealing party and the motion by assigned counsel to be relieved was held in abeyance in the interim. Separate motion by the appellant's assigned counsel to be relieved and to dismiss the appeal.

Now, upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the motions by the appellant's assigned counsel and the papers filed in relation thereto, it is

ORDERED that the Court's motion to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements (*see* CPLR 5511); and it is further,

ORDERED that the motion by assigned counsel, in effect, to be relieved is granted; and it is further,

ORDERED that the separate motion by assigned counsel is denied as academic.

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

ENTER:



Aprilanne Agostino
Clerk of the Court

April 13, 2018

PEOPLE OF STATE OF NEW YORK v SCHIRMER