

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

M247175
E/afa

WILLIAM F. MASTRO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2008-09711

The People, etc., respondent,
v Kevin Louis, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 5382/03)

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated May 31, 2011 (*People v Louis*, 84 AD3d 1410), affirming a judgment of the Supreme Court, Kings County, rendered October 20, 2008.

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

ORDERED that on the Court's own motion, the appellant is granted leave to serve and file a brief on the issue of whether trial counsel was ineffective for failing to move to dismiss the misdemeanor counts of the indictment as time barred; and it is further,

ORDERED that pursuant to County Law § 722, the following named attorney is assigned as counsel to prosecute the application:

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

and it is further,

March 8, 2018

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ORDERED that assigned counsel shall file the 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 held in abeyance in the interim.

MASTRO, J.P., LEVENTHAL, AUSTIN and COHEN, 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