

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

M247378
E/rr

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

2014-07141

The People, etc., respondent,
v Severiano Martinez, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 5604/12)

On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated March 8, 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's assigned counsel on an appeal from a resentence of the Supreme Court, Kings County, imposed June 10, 2014, in effect, 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 18, 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, in effect, 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, in effect, to be relieved is granted.

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

ENTER: 
Aprilanne Agostino
Clerk of the Court

March 12, 2018

PEOPLE v MARTINEZ, SEVERIANO