

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

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WILLIAM F. MASTRO, J.P.
MARK C. DILLON
JOSEPH J. MALTESE
HECTOR D. LASALLE, JJ.

2009-09091

The People, etc., respondent,
v Nicholas DeJesus, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 4809/02)

Motion by the appellant pro se, in effect, to restore to active status an appeal from a resentence of the Supreme Court, Kings County, imposed September 10, 2009, which was deemed abandoned pursuant to 22 NYCRR 670.8(f), for leave to prosecute the appeal as a poor person, and for the assignment of counsel. By order to show cause dated December 4, 2017, 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 appeal had been abandoned, counsel was assigned to respond to the order to show cause, and the appellant's motion was held in abeyance in the interim.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed (*see* 22 NYCRR 670.8[f]); and it is further,

ORDERED that the appellant's motion is denied.

MASTRO, J.P., DILLON, MALTESE and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 15, 2018

PEOPLE v DeJESUS, NICHOLAS