

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

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REINALDO E. RIVERA, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
ANGELA G. IANNACCI, JJ.

2017-09967

People of State of New York, respondent,
v Elvis Torres, appellant.

ORDER TO SHOW CAUSE

Motion by the appellant's assigned counsel on an appeal from an order of the County Court, Suffolk County, dated July 28, 2017, to be relieved on the ground that no appeal lies from an order issued upon the consent of the appealing party.


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

ORDERED that on the Court's own motion, the appellant is 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 issued upon the consent of the appealing party (*see* CPLR 5511), by filing an affirmation or an affidavit on that issue in the office of the Clerk of this Court on or before April 18, 2018; and it is further,

ORDERED that the motion by assigned counsel to be relieved is held in abeyance in the interim; and it is further,

ORDERED that the Clerk of this Court or her designee is directed to serve a copy of this order to show cause upon the appellant at his last known place of residence or, if he is imprisoned, at the institution in which he is confined, and upon the attorney who last appeared for him, and upon the District Attorney, by ordinary mail pursuant to CPL 470.60(2).

RIVERA, J.P., SGROI, HINDS-RADIX and IANNACCI, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

March 19, 2018

PEOPLE OF STATE OF NEW YORK v TORRES