

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

M248746
E/rr

MARK C. DILLON, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON
ANGELA G. IANNACCI, JJ.

2015-08012

The People, etc., respondent,
v Jaquelle James, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 14-00152)

Motion by the appellant's assigned counsel to be relieved on an appeal from a judgment of the County Court, Orange County, rendered August 18, 2014. The appellant was granted poor person relief by decision and order on motion of this Court dated November 9, 2016, and by decision and order on motion of this Court dated February 28, 2018, in accordance with *Anders v California* (386 US 738) former assigned counsel was relieved and Kenyon C. Trachte, 372 Fullerton Avenue, Box #19, Newburgh, NY 12550, was assigned as counsel to prosecute the appeal. Separate motion by the appellant pro se to enlarge the time to serve and file a brief.

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

ORDERED that the motions are granted; and it is further,

ORDERED that Kenyon C. Trachte is relieved as counsel and directed to turn over all papers in the action to new counsel herein assigned; and it is further,

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

Richard L. Herzfeld
112 Madison Avenue, 8th Floor
New York, NY 10016

and it is further,

April 13, 2018

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ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated or referred to in the report, and to provide additional copies to this Court upon demand; and it is further,

ORDERED that the appellant's time to serve and file a brief is enlarged until June 12, 2018, and the appellant's brief shall be served and filed on or before that date; and it is further,

ORDERED that on the Court's own motion, the respondent's time to serve and file a brief is enlarged until July 12, 2018, and the respondent's brief, if any, shall be served and filed on or before that date; and it is further,

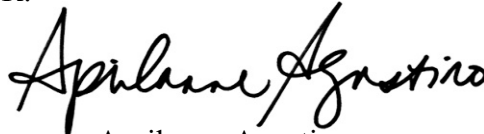
ORDERED that assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken; and it is further,

ORDERED that the appellant's supplemental brief shall be served and filed on or before June 13, 2018; and it is further,

ORDERED that the appellant shall file nine copies of the supplemental brief and serve one copy on the District Attorney.

DILLON, J.P., SGROI, HINDS-RADIX, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court