

MEMORANDUM

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS: CRIMINAL TERM: PART K-19

THE PEOPLE OF THE STATE OF NEW YORK : BY: STEPHEN A. KNOFF
 :
 : DATED: September 13, 2006
 -against- :
 : INDICTMENT NO. 1430/74
 :
 JOHN SMITH, :
 :
 Defendant :
-----:

The Defendant moves to vacate his judgment of conviction of murder in the second degree on October 12, 1988. The handwritten moving papers were submitted by an individual by the name of WOODROW FLEMMING on August 6, 2006, on behalf of the defendant. Mr. Flemming has signed the motion papers as "Pro se Paralegal". In previous papers submitted on behalf of this defendant, Mr. Flemming stated he is not an attorney, but a paralegal who practices before the New York State Courts and Federal Courts in both a pro se and paralegal capacity.

This motion is denied for the same reasons stated in this Court's decision in this matter dated August 4, 2006. Woodrow Flemming, as a "pro se paralegal" does not have the authority to file the instant motion on behalf of the defendant. Since the motion

was improperly made, the relief sought is denied.

Order entered accordingly.

STEPHEN A. KNOPF, J.S.C.