

People v Nixon Avila

Motion No: 2026-01910

Slip Opinion No: 2026 NY Slip Op 71009(U)

Decided on June 23, 2026

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Sallie Manzanet-Daniels,
David Friedman
Ellen Gesmer
Julio Rodriguez III
Marsha D. Michael,

Justice Presiding,

Justices.

The People of the State of New York,
Respondent,

Motion No. 2026-01910

Ind. No. 73820/24

Case No. 2026-01750

-against-

Nixon Avila,
Defendant-Appellant.

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 07, 2025, and for a waiver of costs, fees, and expenses on the appeal, assignment of counsel, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon appellant's brief. Appellant and respondent are directed to enter their initial information for electronic filing in the New York State Courts Electronic Filing System (NYSCEF) pursuant to section 1245.3 of the Electronic Filing Rules of the Appellate Division, and thereafter electronically file their respective briefs.

The court reporter shall promptly make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL 210.20, articles 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

In the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or counsel's representative to access and copy the record for the purpose of preparing the appeal; the record shall include the court file papers and transcripts of the stenographic minutes as they pertain to appellant.

Upon being served with a copy of this order, the Department of Probation is directed to provide assigned counsel with a copy of the presentence report prepared in connection with appellant's sentencing, including the recommendation sheet and any prior reports which are incorporated or referenced in the report.

Caprice R. Jenerson, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the receipt of the complete record.

ENTERED: June 23, 2026

A handwritten signature in black ink, appearing to read 'Susanna Molina Rojas', with a stylized, cursive script.

Susanna Molina Rojas
Clerk of the Court