

People v Thomas McKelvey

Motion No: 3003

Slip Opinion No: 2020 NYSlipOp 74517(U)

Decided on November 10, 2020

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. Dianne T. Renwick,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Martin Shulman,

Justice Presiding,

Justices.

The People of the State of New York,
Respondent,

Motion No. 3003
SCI No. 4763/16
Case No. 2020-03803

-against-

Thomas McKelvey,
Defendant-Appellant.

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 24, 2019, and for leave to prosecute said appeal as a poor person and for 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. The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d) (1) and (4), setting forth his indigency and facts sufficient to establish he has no funds or assets with which to prosecute the within appeal.

ENTERED: November 10, 2020



Susanna Molina Rojas
Clerk of the Court