

People v Rafael Fontanez

Motion No: 3545

Slip Opinion No: 2020 NYSlipOp 76254(U)

Decided on December 17, 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. David Friedman,
Judith J. Gische
Angela M. Mazzaelli
Peter H. Moulton
Saliann Scarpulla,

Justice Presiding,

Justices.

The People of the State of New York,
Respondent,

Motion No. 3545
Ind. No. 1051/18
Case No. 2019-02617

-against-

Rafael Fontanez,
Defendant-Appellant.

An order of this Court having been entered on July 23, 2019 (M-2780) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019, and assigning Christina Swarns, Esq., predecessor counsel to Caprice R. Jenerson, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel or, in the alternative, to dismiss the appeal without prejudice,

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 striking the designation of Caprice R. Jenerson, Esq., Office of the Appellate Defender, as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone (212)-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is extended until 120 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED: December 17, 2020

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court