

Matter of Manuel Martinez v D.A. N.Y. County

Motion No: 2020-03315

Slip Opinion No: 2021 NYSlipOp 60457(U)

Decided on January 14, 2021

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. Judith J. Gische,
Anil C. Singh
Peter H. Moulton
Manuel J. Mendez,

Justice Presiding,

Justices.

In the Matter of the Application of
Manuel Martinez,
Petitioner-Appellant,

Motion No. 2020-03315
Index No. 101612/19
Case No. 2020-04051

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

D.A. New York County,
Respondent-Respondent.

Petitioner having moved for leave to file a late notice of appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 16, 2020, for poor person relief, the 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 said motion is granted to the extent of deeming the notice of appeal timely filed and permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files with this Court an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the

subpoena and filing of the record. Petitioner's time in which to perfect the appeal is, sua sponte, extended to the May 2021 Term of this Court. The motion is otherwise denied.

ENTERED: January 14, 2021

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" being the most prominent parts.

Susanna Molina Rojas
Clerk of the Court