

Matter of Daphne M. v Wanda J. (Deceased)

Motion No: 2021-01716

Slip Opinion No: 2021 NYSlipOp 68142(U)

Decided on June 24, 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. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

In the Matter of

Confidential

Caleesta L. Sexton,

Motion No. 2021-01716

Case No. 2021-01771

Docket No. G-3284-21

An Application for The Guardianship and
Custody of a Child Pursuant to Article 6 of
the Family Court Act.

Daphne M.,
Petitioner-Respondent,

-against-

Wanda J. (Deceased) ,
Respondent,

Donald E. S. III,
Respondent-Appellant.

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 04, 2021, for the assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Monica S. Eskin, Esq., dated May 17, 2021, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, Steven P.

Forbes, Esq., 223 Wall Street, Suite 143, Huntington, New York, 11743, Telephone No. (718) 791-8444, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The Clerk of the Family Court shall transfer the record upon receipt of this order.**

ENTERED: June 24, 2021



Susanna Molina Rojas
Clerk of the Court

¹ Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.