

**People v Evan Zachary**

Motion No: 2021-03903

Slip Opinion No: 2021 NYSlipOp 76486(U)

Decided on December 28, 2021

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to  
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.

---

The People of the State of New York,	Motion No.	2021-03903
Respondent,	Ind. No.	914/17
-against-	Case No.	2018-5601

Evan Zachary,  
Defendant-Appellant.

---

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 13, 2018, for the assignment of counsel, 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 that the appeal shall 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 a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county 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.

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, Arts. 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York, 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby extended until 180 days from the date of receipt of the complete record.

ENTERED: December 28, 2021

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