

People v Diogenes Hernandez

Motion No: 2022-01512 2022-01513

Slip Opinion No: 2022 NYSlipOp 66131(U)

Decided on May 19, 2022

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,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick,

Presiding Justice,

Justices.

The People of the State of New York, Respondent,	Motion Nos. 2022-01512 2022-01513
-against-	Ind. Nos. 462/19 413/20
Diogenes Hernandez, Defendant-Appellant.	Case Nos. 2022-01405 2022-01406

Defendant having moved, pursuant to C.P.L. 380.55(2), for leave to prosecute, as a poor person, the appeals taken to this Court from two judgments of the Supreme Court, Bronx County, both rendered on or about April 06, 2022, for the assignment of counsel, and for related relief (M-2022-01512, Ind. No. 462/19, Case No. 2022-01405; and M-2022-01513, Ind. No. 413/20, Case No. 2022-01406),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent that the appeals 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 appeals. The time within which appellant shall perfect the appeals is hereby extended until 180 days from the date of receipt of the complete records.

ENTERED: May 19, 2022

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