

People v Luis Padilla, Also Known as George Perez

Motion No: 2022-01522

Slip Opinion No: 2022 NYSlipOp 66775(U)

Decided on June 02, 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. Dianne T. Renwick,
David Friedman
Lizbeth González
Martin Shulman
Bahaati E. Pitt,

Justice Presiding,

Justices.

The People of the State of New York, Respondent,	Motion No.	2022-01522
	Ind. No.	35/17
-against-	SCI Nos.	3290/16 3288/16 3289/16
Luis Padilla, also known as George Perez, Defendant-Appellant.	Case No.	2018-2019

Orders of this Court having been entered on June 19, 2018 (M-2070) and March 13, 2018 (M-410) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 31, 2017, and assigning counsel therefor,

And assigned counsel having moved for an order abating the appeal by reason of appellant's death, and remanding the matter to the trial court to vacate the judgment of conviction, and to dismiss the indictment; the People have submitted an affirmation stating that they do not oppose the motion,

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 dismissing the appeal due to appellant's death on July 3, 2020, and remanding the matter to the Supreme Court, Bronx County, for further proceedings consistent with *People v Mintz* (20 NY2d 770).

ENTERED: June 02, 2022



Susanna Molina Rojas
Clerk of the Court