

People v Carl Dushain

Motion No: 2022-02358

Slip Opinion No: 2022 NYSlipOp 69746(U)

Decided on August 09, 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. David Friedman,
Lizbeth González
Manuel J. Mendez
Bahaati E. Pitt
John R. Higgitt,

Justice Presiding,

Justices.

The People of the State of New York,
Respondent,

Motion No. **2022-02358**

Ind. No. 8131/97

Case No. 2018-2225

-against-

Carl Dushain,
Defendant-Appellant.

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about January 08, 2018, and from orders, same court, entered on or about December 21, 2016, and January 09, 2018; and the appeal having been perfected,

And orders of this Court having been entered January 27, 2022 (M-2021-04338), directing assigned counsel to provide copies of certain requested exhibits within 30 days of the date of the order, and May 31, 2022 (M-2022-01819), granting defendant leave to file a pro se supplemental brief and adjourning the appeal to the November 2022 Term,

And defendant-appellant having moved, pro se, for an order seeking certain allegedly missing transcripts and exhibits related to this appeal and for an extension of time in which to file his pro se supplemental brief,

And the People having submitted an affirmation stating, among other things, that the People will furnish to counsel any exhibit that counsel does not already possess that the court deems relevant to defendant's current appeal so that counsel may arrange for defendant to receive them,

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 denied, with leave to renew, in the event assigned counsel does not furnish the missing transcripts and exhibits to defendant with 30 days of the date hereof. The perfected appeal is adjourned to the December 2022 Term.

ENTERED: August 09, 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