

People v Miguel Rivera

Motion No: 2022-02461

Slip Opinion No: 2022 NYSlipOp 70880(U)

Decided on August 30, 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. 2022-02461

Ind. No. 2063/15

Case No. 2019-4006

-against-

Miguel Rivera,
Defendant-Appellant.

An order of this Court having been entered on December 04, 2018 (M-5256), granting defendant poor person relief and assigning Justine M. Luongo, Esq., predecessor to Twyla Carter, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 27, 2018,

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,

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 June 19, 2019, and remanding the matter to the Supreme Court, Bronx County, for further proceedings consistent with *People v Mintz* (20 NY2d 770).

ENTERED: August 30, 2022



Susanna Molina Rojas
Clerk of the Court