

Alejandro Henriquez v State of New York

Motion No: 2022-04265

Slip Opinion No: 2022 NY Slip Op 76200(U)

Decided on December 29, 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,
David Friedman
Lizbeth González
Tanya R. Kennedy
John R. Higgitt,

Presiding Justice,

Justices.

Alejandro Henriquez
Claimant-Appellant,

-against-

Motion No. **2022-04265**
Claim. No. 132201
Case No. 2022-04818

The State of New York,
Defendant-Respondent.

Claimant-appellant having moved for an extension of time in which to file an untimely notice of appeal from the judgment of the Court of Claims, State of New York, entered on or about August 04, 2022, for leave to prosecute the appeal as a poor person and 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 of deeming claimant's October 24, 2022 notice of appeal a timely amended notice of appeal from the aforesaid August 04, 2022 judgment, pursuant to CPLR 5520(c), and to the extent claimant seeks poor person relief, the motion is denied, with leave to renew upon claimant's submission of a notarized affidavit, pursuant to CPLR 1101, which includes details of the merits of his appeal and attaches a copy of the decision dismissing his claim, upon which decision the judgment appealed from was based.

ENTERED: December 29, 2022



Susanna Molina Rojas
Clerk of the Court