

People v Woodrow Flemming

Motion No: 2022-04911

Slip Opinion No: 2023 NY Slip Op 61347(U)

Decided on January 31, 2023

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. Barbara R. Kapnick,
Lizbeth González
Tanya R. Kennedy
Manuel J. Mendez
John R. Higgitt,

Justice Presiding,

Justices.

The People of the State of New York,
Respondent,

Motion No. 2022-04911

Ind. No. 3819/16

Case No. 2019-04672

-against-

Woodrow Flemming,
Defendant-Appellant.

An order of this Court having been entered on December 10, 2019 (M-8200), inter alia, assigning Christina Swarns, Esq., as predecessor to Caprice R. Jenerson, Esq., Office of the Appellate Defender, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on May 10, 2019,

And assigned counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 February 02, 2021, and remanding the matter to the Supreme Court, New York County, for further proceedings consistent with *People v Mintz* (20 NY2d 770 [1967]).

ENTERED: January 31, 2023

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Susanna Molina Rojas
Clerk of the Court