

**People v Stephen J. Vishia**

Motion No: 2023-01542

Slip Opinion No: 2023 NY Slip Op 66039(U)

Decided on April 27, 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. Sallie Manzanet-Daniels,  
Jeffrey K. Oing  
David Friedman  
Martin Shulman  
Bahaati E. Pitt-Burke,

Justice Presiding,  
  
  
  
Justices.

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The People of the State of New York,  
Respondent,  
  
-against-

**Confidential**  
Motion No.      2023-01542  
Ind. No.         30179/14  
Case No.         2016-2170

Stephen J. Vishia,  
Defendant-Appellant.

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An order of this Court having been entered on February 05, 2015 (M-6349) granting defendant leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about December 11, 2014, and assigning Seymour W. James, Jr., Esq., predecessor to Twyla Carter, Esq., The Legal Aid Society, as counsel to prosecute the appeal,

And assigned counsel having moved for an order dismissing the appeal as moot due to defendant's death,

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 the instant motion one to abate the appeal due to appellant's death on September 06, 2021, and remanding the matter to the Supreme Court, New York County, for further proceedings consistent with People v Mintz (20 NY2d 770).

ENTERED: April 27, 2023



Susanna Molina Rojas  
Clerk of the Court