

People v Marlon Cruz

Motion No: 2023-05051

Slip Opinion No: 2024 NY Slip Op 60439(U)

Decided on January 11, 2024

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. Dianne T. Renwick,
Sallie Manzanet-Daniels
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing,

Presiding Justice,

Justices.

The People of the State of New York,
Respondent,

-against-

Motion No. **2023-05051**
Ind. No. 72996-22
SCI No. 72891-23
Case No. 2023-05807

Marlon Cruz,
Defendant-Appellant.

Defendant having moved, pursuant to CPL 380.55(2), for leave to prosecute, as a poor person, the appeal taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about September 28, 2023, for the 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 that the appeal shall be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files with this Court an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Twyla Carter, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York, 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby extended until 180 days from the date of receipt of the complete record.

ENTERED: January 11, 2024

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