

**Matter of State of New York v Kenneth W.**

Motion No: 2024-04011

Slip Opinion No: 2024 NY Slip Op 75099(U)

Decided on September 24, 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. Ellen Gesmer,  
Saliann Scarpulla  
Julio Rodriguez III  
Llinét M. Rosado  
Marsha D. Michael,

Justice Presiding,  
  
  
  
Justices.

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In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

**Confidential**  
Motion No.     **2024-04011**  
SCID No.        30230/20  
Case No.         2024-04551

For a Judgment Pursuant to Article 10  
of the Mental Hygiene Law,

-against-

Kenneth W.,  
Respondent-Appellant.

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For a Judgment Pursuant to Article 10 of  
the Mental Hygiene Law.

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An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 31, 2024,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for the appointment of Mental Hygiene Legal Services as appellate counsel, leave to prosecute the aforesaid appeal as a poor person, and for leave to have the appeal heard upon the original record and upon a reproduced appellant’s brief,

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 permitting the appeal to be heard upon the original record and upon a reproduced appellant’s brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York 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. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf. The time within which appellant shall perfect the appeal is hereby enlarged until 180 days from the receipt of the complete record.

ENTERED: September 24, 2024

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