

**Matters of Baby Girl McCrea, Hannibal A., James A., Avatus
A.**

Motion No: 2024-04350

Slip Opinion No: 2024 NY Slip Op 76561(U)

Decided on October 17, 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. Troy K. Webber,
Peter H. Moulton
Martin Shulman
John R. Higgitt
Kelly O’Neill Levy,

Justice Presiding,

Justices.

In the Matters of

Baby Girl McCrea,
Hannibal A.,
James A.,
Avatus A,

Children Under the Age of 18 Years Alleged
to be Neglected and/or Abused Under
Article 10 of the Family Court Act.

Administration for Children’s Services,
Petitioner-Respondent,

-against-

Cintrea M.,
Respondent-Appellant.

Confidential

Motion No. **2024-04350**
Case No. 2024-03945
Docket Nos. NN-17010/21
 NN-06252/21
 NN-06253/21
 NN-06254/21

Case No. 2024-04955
Docket Nos. V-26384/22
 V-26385/22
 V-26386/22
 V-26387/22

In the Matter of a Proceeding for Custody
and/or Visitation Pursuant to Article 6 of
the Family Court Act.

Derrick A.,
Petitioner-Respondent,

-against-

Cintrea M.,
Respondent-Appellant.

Madeleine Mercer, Esq.,

Attorney for the Children.

Respondent-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeals taken to this Court from orders of the Family Court, Bronx County, entered on or about December 06, 2022 (Case No. 2024-03945); and the appeal purportedly taken from an order, same Court, entered on or about September 11, 2023 (Case No. 2024-04955), for assignment of counsel, for consolidation of the aforesaid appeals, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, Larry Bachner, Esq., 111 Broadway, Suite 701, New York, New York 10006, Telephone No. 551-251-1269, as counsel for purposes of prosecuting the appeals only under Case No. 2024-03945; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The Clerk of the Family Court shall transfer the record upon receipt of this order;** and

It is otherwise ordered that those branches of the motion as request poor person relief and assignment of counsel, and consolidation, with respect to the appeal under Case No. 2024-04955, are denied.

ENTERED: October 17, 2024



Susanna Molina Rojas
Clerk of the Court

¹ Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.