

People v Aaron Cepeda

Motion No: 2024-04718 2024-04719

Slip Opinion No: 2024 NY Slip Op 79082(U)

Decided on November 26, 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. Cynthia S. Kern,
Barbara R. Kapnick
Ellen Gesmer
Tanya R. Kennedy
Kelly O’Neill Levy,

Justice Presiding,

Justices.

The People of the State of New York, Respondent,	Motion Nos.	2024-04718 2024-04719
-against-	Ind. Nos.	72388/23 73758/23
Aaron Cepeda, Defendant-Appellant.	Case Nos.	2024-05942 2024-05943

Defendant having moved, by separate motions, to deem the moving papers herein a timely filed notice of appeal, or, in the alternative, for an order granting defendant permission to file an untimely notice of appeal from judgments of the Supreme Court, New York County, rendered on or about September 18, 2024, under Indictment Nos. 72388/23 and 73758/23, for leave to prosecute the appeals as a poor person and assignment of counsel, and for related relief (Motion Nos. 2024-04718 and 2024-04719, respectively),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of deeming the notices of appeal as timely filed and the appeals 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 reproduced appellant’s briefs, on condition that appellant serves one copy of each 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 briefs, 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 pleas or trials and sentences. 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 briefs are filed.

Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant for purposes of the appeals. The time within which appellant shall perfect the appeals is hereby enlarged until 180 days from the receipt of the complete record.

ENTERED: November 26, 2024

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas
Clerk of the Court