

**People v Victor Jimenez Cespedes**

Motion No: 2025-00148

Slip Opinion No: 2025 NY Slip Op 61953(U)

Decided on February 04, 2025

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  
Anil C. Singh,

Presiding Justice,  
  
  
  
Justices.

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

Motion No.   **2025-00148**  
Ind. No.       75803/23  
Case No.       2025-00139

Victor Jimenez Cespedes,  
Defendant-Appellant.

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Defendant having moved, pursuant to CPL 380.55(2), for a waiver of costs, fees, and expenses on the appeal taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about December 19, 2024, for assignment of counsel, and for related relief,

Now, upon reading and filing the papers and the Certification of Molly Kalmus, Esq., dated January 03, 2025, 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 appellant's brief. Appellant and respondent are directed to enter their initial information for electronic filing in the New York State Courts Electronic Filing System (NYSCEF) pursuant to section 1245.3 of the Electronic Filing Rules of the Appellate Division, and thereafter electronically file their respective briefs.

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, articles 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.

In the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or counsel's representative to access and copy the record for the purpose of preparing the appeal; the record shall include the court file papers and transcripts of the stenographic minutes as they pertain to appellant.

Upon being served with a copy of this order, the Department of Probation is directed to provide assigned counsel with a copy of the presentence report prepared in connection with appellant's sentencing, including the recommendation sheet and any prior reports which are incorporated or referenced in the report.

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-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the receipt of the complete record.

ENTERED: February 04, 2025



Susanna Molina Rojas  
Clerk of the Court