

No. _____

In the
Supreme Court of the United States

WILLIAM ALEXANDER,

Petitioner,

v.

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF NEW YORK,
APPELLATE DIVISION, SECOND DEPARTMENT*

**MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

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Will A. Page*
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199 Water Street, 5th Floor
New York, New York 10038

** Admitted in N.Y. and
the Second Circuit*

Counsel for Petitioner

**MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

Petitioner William Alexander moves for leave to proceed *in forma pauperis*, and to file the enclosed Petition for a Writ of Certiorari to the Supreme Court of the State of New York, Appellate Division, Second Department.

On March 30, 2015, Petitioner was granted, under New York County Law § 722, leave to so proceed in the Supreme Court of the State of New York, Appellate Division, Second Department. A copy of that court's order is attached to this motion.

Respectfully submitted,

Alan S. Axelrod

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Counsel of Record

Will A. Page

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September 23, 2019

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M189890
V/

RUTH C. BALKIN, J.P.
L. PRISCILLA HALL
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2015-00834

The People, etc., respondent,
v William J. Alexander, appellant.
(Ind. No. 10999/12)

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign Counsel

Motion by the appellant pursuant to CPL 460.30 for an extension of time to take an appeal from a judgment of the Supreme Court, Kings County, rendered December 23, 2014, for leave to prosecute the appeal as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appellant's moving papers are deemed to constitute a timely notice of appeal; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the proceedings of any pretrial hearings, of the plea of guilty or of the trial, and of the imposition of sentence in this action, except for those minutes previously transcribed and certified (see 22 NYCRR 671.9); and it is further,

ORDERED that in the event that the case was tried to a conclusion before a jury, the stenographer shall also make, certify, and file two transcripts of the minutes of proceedings during jury selection; and it is further,

ORDERED that the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see CPL 460.70*); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of the minutes for a codefendant, then the Clerk of the trial court is directed to reproduce a copy thereof for assigned counsel; and it is further,

ORDERED that, upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the defendant's sentencing, including the recommendation sheet and any prior reports on the defendant which are incorporated in or referred to in the report; and it is further,

ORDERED that in the event an issue as to the legality, propriety, or excessiveness of the sentence is raised on appeal, or if assigned counsel cites or relies upon the probation report in a brief or motion in any other way, counsel shall provide a complete copy of such report and any attachments to the court and the District Attorney's office prior to the filing of such brief or motion; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

Seymour W. James, Jr., Esq.
The Legal Aid Society
199 Water Street - 5th Floor
New York, New York 10038

and it is further,

ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this Court's rules (*see 22 NYCRR 670.1, et seq.*) and written directions; and it is further,

ORDERED that in the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or his or her representative access to the record for the purpose of preparing the appeal; such access shall include permission to copy the papers insofar as they pertain to the appellant; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken.

BALKIN, J.P., HALL, ROMAN and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

Appellant's Address:

14-A-1476
Cape Vincent Corr. Fac.
P.O. Box 599
Cape Vincent, N.Y. 13618