

IN THE
Supreme Court of the United States

ROBERT ELLIS,

Petitioner,

v.

NEW YORK,

Respondent.

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

Petitioner asks leave to file the attached petition for a writ of certiorari without payment of costs and to proceed *in forma pauperis*.

Petitioner had previously been granted leave to proceed *in forma pauperis* in the Appellate Division, Second Department, as well as the Court of Appeals of the State of New York. A copy of the state court orders granting *in forma pauperis* relief are attached. Petitioner remains incarcerated and I have no reason to believe that his financial circumstances have changed since these orders were granted.



William G. Kastin
Counsel of Record
November 8, 2024

***State of New York
Court of Appeals***

*Decided and Entered on the
twenty-ninth day of August, 2019*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

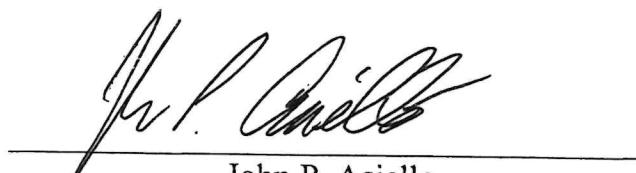
Mo. No. 2019-630

The People &c.,
Respondent,
v.
Robert Ellis,
Appellant.

Appellant having moved for the assignment of counsel;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is granted and the following is assigned as counsel to the appellant on this appeal: Paul Skip Laisure, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038.



John P. Asiello
Clerk of the Court

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

M145103

V/

RANDALL T. ENG, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
MARK C. DILLON, JJ.

2012-07219

The People, etc., respondent,
v Robert Ellis, appellant.
(Ind. No. 2224/10)

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

Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Queens County, rendered July 18, 2012, 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 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
October 17, 2012

Page 1.

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:

Lynn W. L. Fahey, Esq.
Appellate Advocates
2 Rector Street - 10th Floor
New York, New York 10006

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.

ENG, P.J., MASTRO, RIVERA, SKELOS and DILLON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

Appellant's Address:

09-A-0367

Shawangunk Corr. Fac.

P.O. Box 700

Wallkill, N.Y. 12589

October 17, 2012

Page 2.

PEOPLE v ELLIS, ROBERT