



100 CENTRE STREET
New York, N.Y. 10013

Mr. Dominic M. Franza DIN: 92 A 3659
Green Haven Correctional Facility
P.O. Box 4000
Stormville, N.Y. 12582-0010

October 17, 2005

Re: Ind. # 11987-91

Dear Mr. Franza,

Please be advised that your CPL § 440.10 motion has been scheduled before the Hon. Arlene R. Silverman on November 3, 2005. Be further advised that the filing of a post judgment motion does not always necessitate a hearing. That determination is made by the assigned Judge.

Procedurally before a decision is rendered, the District Attorney's office or the NYC Department of Probation must have an opportunity to respond. The judge must then decide the motion. These steps take time and might require more than one adjournment. **In some cases it will take several months before a decision is rendered.** If you have not heard anything on your motion within three months of the calendared date, please contact this office for the status of your motion.

Be assured that you will be notified as soon as the decision is rendered.

Respectfully,


K. Felder S.C.C.
Motion Clerk
Supreme Court - New York County

cc: Mr. Herculano Izquierdo
Deputy Chief Trial Bureau
1 Hogan Place, Room 842
New York, N.Y. 10013
(ADA J. Brancato)

**ADA: Please date stamp, complete below and fax to
Part 48 at 212.401.9074
ATT: Law Clerk to the Hon. Arlene R. Silverman**

ADA _____ will be responding to this motion.

Phone (212) _____

The People will respond by _____.

The People will not respond.