

Wherefore, it is considered that the said judgment  
be affirmed, as aforesaid.

And hereupon, as well the Notice of Appeal and return  
thereto aforesaid as the judgment of the Court of Appeals  
aforesaid, by it given in the premises, are by the said  
Court of Appeals remitted into the County Court,  
Nassau County.

before the Judges thereof, according to the form  
of the statute in such case made and provided, to be  
enforced according to law, and which record now re-  
mains in the said County Court,  
before the Judges thereof, &c.

*Raymond J. Cannon*  
Clerk of the Court of Appeals of the State of New York.

Court of Appeals, Clerk's Office.

Albany, July 7, 1961

I HEREBY CERTIFY, that the  
preceding record contains  
a correct transcript of the  
proceedings in said cause  
in the Court of Appeals,  
with the papers originally  
filed therein, attached  
thereto.

*Raymond J. Cannon*  
Clerk

## Court of Appeals

State of New York, ss:

PLEAS in the Court of Appeals,  
held at Court of Appeals Hall,  
in the City of Albany, on the  
7th day of July  
in the year of our Lord one  
thousand nine hundred and  
sixty-one, before the  
Judges of said Court.

WITNESS,

The HON. CHARLES S. DESMOND,  
Chief Judge, Presiding.

RAYMOND J. CANNON, Clerk.

REMITTITUR JULY 7, 1961

The People &c.,

Respondent,

vs.

Francis E. Dec,

Appellant.

Be it Remembered, That on the 28th day of April in the year of our Lord one thousand nine hundred and sixty-one, Francis E. Dec,

the appellant - in this cause, came here unto the Court of Appeals, ~~by~~ in person,

~~and~~ and filed in the said Court a Notice of Appeal and return thereto from the judgment of the Appellate Division of the Supreme Court in and for the First Judicial Department. And The People &c.,

the respondent - in said cause, afterwards appeared in said Court of Appeals by Manual W. Levine, District Attorney.

~~XXXXXXXX~~

Which said Notice of Appeal and the return thereto, filed as aforesaid, are hereunto annexed

Whereupon, The s

Court of Appeals having heard this cause argued

Mr. Henry P. DeVine, of counsel for the respondent submitted by the appellant, of counsel for the appellant, and by

Mr. of counsel for the respondent

and after due deliberation had thereon, did order and adjudge that the judgment

of the Appellate Division of the Supreme Court appealed from herein be and the same hereby is affirmed.

And it was also further ordered, that the record aforesaid, and the proceedings in this Court, be remitted to the County Court, Nassau County,

there to be proceeded upon according to law.



The People &c.,

Respondent,

vs.

Francis E. Dec,

Appellant.

**Be it Remembered,** That on the 28th day of April in the year of our Lord one thousand nine hundred and sixty-one, Francis E. Dec,

the appellant - in this cause, came here unto the Court of Appeals, ~~by~~ in person,

~~and~~ filed in the said Court a Notice of Appeal and return thereto from the judgment of the Appellate Division of the Supreme Court in and for the First Judicial Department. And The People &c.,

the respondent - in said cause, afterwards appeared in said Court of Appeals by Manual W. Levine, District Attorney.

~~XXXXXXXX~~

Which said Notice of Appeal and the return thereto, filed as aforesaid, are hereunto annexed

Whereupon, The s

Court of Appeals having heard this cause argued

Mr. Henry P. DeVine, of counsel for the respondent submitted by the appellant, of counsel for the appellant, and by

Mr. of counsel for the respondent

and after due deliberation had thereon, did order and adjudge that the judgment

of the Appellate Division of the Supreme Court appealed from herein be and the same hereby is affirmed.

And it was also further ordered, that the record aforesaid, and the proceedings in this Court, be remitted to the County Court, Nassau County,

there to be proceeded upon according to law.