

STATE OF NEW YORK
APPELLATE DIVISION THIRD DEPARTMENT

In the Matter of a Proceeding under
Article 4 of the Family Court Act

ARLENE COLLINS CARELLA,
Petitioner - Respondent

- against - -

CHARLES E. COLLINS, III,
Defendant - Appellant

NOTICE OF APPEAL

REQUEST FOR COUNSEL

WITH CERTIFICATION
AND AFFIRMATION OF
SERVICE

Case No. 68873

SIRS:

PLEASE TAKE NOTICE that Defendant - Appellant, Charles E. Collins, III, in the above captioned proceeding, hereby appeals to the New York State Court of Appeals from the Order dated and entered herein on May 12, 1994 of the Supreme Court Appellate Division Third Department dismissing Appellant's appeal from the Saratoga County Family Court. That Appellant, among other things, is to be tried, convicted and sentenced to jail in a secret trial in violation of his 5th Amendment right to a public trial and in violation of the Uniform Rules for the New York State Trial Courts (Parts relating to Civil Practice) § 204.5.

PLEASE TAKE FURTHER NOTICE that Defendant - Appellant hereby requests counsel be provided for this appeal pursuant to Family Court Act § 1120. Defendant - Appellant has had counsel assigned to him in the Family Court proceeding pursuant to Family Court Act 262 as he faces imprisonment (copies of assignment attached).

Dated: Troy, New York
June 9, 1994

Respectfully yours,



Charles E. Collins, III
Defendant - Appellant - Pro se
108 Brunswick Road
Troy, New York 12180
(518) 274-1418

TO: Michael J. Novack - Clerk
Appellate Division - Third Department
P.O. Box 7288 Capitol Station
Albany, New York 12224

Attorney G. Oliver Koppell
Department of Law
Albany, New York 12224

Clerk's Office
New York State Court of Appeals
Eagle Street
Albany, New York 12207 (P 335 127 684)

Judge John Austin
Warren County Municipal Center
Lake George, New York 12845

Susan P. Janczak - Clerk
Saratoga County Family Court
Municipal Center
Ballston Spa, New York 12020


Mark Major
137 Meyer Road
Clifton Park, New York 12065

Nicholas D. Morsillo, ESQ.
Attorney for Plaintiff
723 State Street
Schenectady, New York 12307 (P 335 127 683)

CERTIFICATION AND AFFIRMATION OF SERVICE

I, Charles E. Collins, III, certify and affirm that on the 9th day of June, 1994, the original Notice of Appeal, dated June 9, 1994, (68873) by Charles E. Collins, III was hand delivered to the Appellate Division - Third Department, and true copies thereof were mailed to all counsel and to the Clerk of the New York State Court of Appeals at the addresses listed above.

Duly Affirmed: Troy, New York
June 9, 1994


Charles E. Collins, III
108 Brunswick Road
Troy, New York 12180
(518) 274-1418

Supreme Court—Appellate Division
Third Judicial Department

Decided and Entered: May 12, 1994

68873

In the Matter of ARLENE C.
CARELLA,

Respondent,

v

MEMORANDUM AND ORDER

CHARLES E. COLLINS III,
Appellant.

Calendar Date: February 16, 1994

Before: Mikoll, J.P., Mercure, Crew III, White and Yesawich
Jr., JJ.

Charles E. Collins III, Troy, appellant in person.

The Morsillo Law Firm (Nicholas D. Morsillo of counsel),
Schenectady, for respondent.

Mikoll, J.P.

Appeal from an order of Family Court of Saratoga County
(Austin, J.), entered September 24, 1992, which, in a proceeding
pursuant to Family Court Act article 4, inter alia, dismissed
respondent's cross application for various relief under the
Family Court Act.

The order appealed from, entered September 24, 1992, is a
nonfinal order and is thus not appealable to this court (see,
Family Ct Act § 1112; Matter of Zavistowski v Zavistowski, 54
AD2d 986).

Mercure, Crew III, White and Yesawich Jr., JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:

/s/ Michael J. Novack

Michael J. Novack
Clerk.