



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095*

November 19, 2002

Mr. Bob Ficalora
P.O. Box 2612
Montauk, LI, New York 11954

Re: People v. Joseph J. Grucci
People v. Stewart Bennett Vorpahl

Dear Mr. Ficalora:

Your recent letters of November 9, 2002, directed to this Court, have been referred to my office for acknowledgment and reply.

As a "non-party" in the above matters, you do not have standing to request scheduling considerations which are reserved to the parties, if pro se, or to counsel and subject to Court approval.

I am aware of no constitutional or statutory provision that enables this Court to "pull the Vorpahl case from the Appellate Term." It is not the policy of this Court to withhold cases from its calendar while a possibly related matter is pending in another court.

Very truly yours,

A handwritten signature in cursive script that reads "Stuart M. Cohen".

Stuart M. Cohen

SMC:ai

cc: Hon. Eliot Spitzer
Steve A. Hovani, Esq.
Ronald E. Lipetz, Esq.
Jay Lee Snead, Esq.
Stuart Bennett Vorpahl