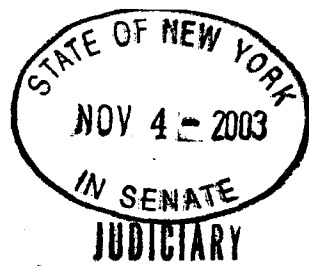


A message from the Governor  
was received and read in the words  
following

# State of New York



In Senate,

Confirmed JAN 12 2004

The following nomination was received from the Governor and confirmed by the Senate:

## State of New York Executive Chamber

ALBANY

November 4, 2003

TO THE SENATE:

Pursuant to the provisions of section 2 of Article VI of the Constitution and the provisions of section 68 of the Judiciary Law, I hereby nominate as Associate Judge of the Court of Appeals

**ROBERT S. SMITH**

of New York, to fill the vacancy caused by the resignation of Richard C. Wesley.

(L.S.)

/s/ George E. Pataki

Mary O. Donohue  
President

Steven M. Boggs  
Secretary