

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
The People of the State of New York,

Respondent,

M-2561

-against-

Ind. No. 3402/06  
Case No. 16149C/07

Arthur Anderson,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated May 14, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1905  
Ind. No. 1626/07

Warren C. Scott,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 26, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
John T. Buckley  
Karla Moskowitz, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2074  
Ind. No. 2759/05

Gerardo A. Yanayaco,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 11, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 29, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Luis A. Gonzalez  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2099  
Ind. No. 5697/80

James Rodriguez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about February 8, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings before Judge Stolz, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Fl., New York, NY 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Luis A. Gonzalez  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2125  
Ind. No. 79/06

Michael Hughes,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Steven Barrett, J.) entered on or about March 11, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Barrett as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom,  
Milton L. Williams  
Rolando T. Acosta, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2117  
Ind. No. 13770/89

Randolph Jamison,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 29, 2008 (M-6644), granting defendant-appellant's motion for poor person relief and assigning Steven Banks, Esq., as counsel for purposes of prosecuting the appeal from the order of the Supreme Court, New York County, rendered on or about November 9, 2007,

And an order of this Court having been entered on March 27, 2008 (M-1051), denying defendant-appellant's motion relieving assigned counsel, and for other relief,

And defendant-appellant having moved for reargument of the aforesaid motion (M-1051),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Luis A. Gonzalez  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
Eleanor Capogrosso,

Plaintiff-Appellant,

-against-

Tina Kansas,

Defendant-Respondent.  
-----X

M-2196

Index No. 112291/06

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 24, 2007,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2008 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
Milton L. Williams  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Shirley M.,  
also known as Cherly C-M.,  
and Melanie M.,  
also known as Melanie C-M.,

Children Under 14 Years of Age Alleged  
to be Abused and/or Neglected Pursuant  
to Article 10 of the Family Court Act.

M-2198  
Docket Nos. NA10638/05  
NA11705/05

-----  
The Administration for Children's  
Services,  
Petitioner-Respondent,

Jose M.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X  
An appeal having been taken from the orders of the Family Court, New York County, entered on or about July 11, 2007 and September 25, 2007, respectively,

And an order of this Court having been entered on January 15, 2008 (M-5779), granting appellant father poor person relief and the assignment of counsel, and directing the transcription of the minutes of the proceedings,



And respondent-appellant having moved for an order compelling the transcription of minutes of the proceedings held on October 14, 2005 and February 21, 2007, and for an enlargement of time in which to perfect the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of directing the Clerk of the Family Court, New York County, to have transcribed the proceedings held in the aforesaid matter on October 14, 2005 and February 21, 2007, respectively, and those minutes as yet not transcribed, for inclusion in the record on appeal, and in compliance with the prior order of this Court entered on January 15, 2008 (M-5779), within 30 days from the date of service upon them a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter within 10 days from the date of entry hereof. If the minutes are not available, the Clerk of said Court is directed to file a statement to that effect. The time in which to perfect the appeal is enlarged to the October 2008 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
Milton W. Williams  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Efraim Rivera, Julia Rivera and  
Michael Ortiz,  
Plaintiffs-Appellants,

-against-

M-2116  
Index No. 8503/05

Gelco Corporation, Applera Corporation,  
Jose J. Arbuleda and Gelco Corp.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the separate appeals taken from the order of the Supreme Court, Bronx County, entered on or about October 30, 2007,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto, dated May 6, 2008, and due deliberation having been had thereon,

It is ordered that so much of the motion which seeks to dismiss the appeal with respect to plaintiff Ortiz is deemed withdrawn; the motion to the extent that it seeks to dismiss the appeal with respect to the Rivera plaintiffs is granted unless said appeal is perfected for the September 2008 Term, and sua sponte, the Clerk of the Court is directed to calendar said appeals to be heard together in the September 2008 Term. Upon failure to so perfect, an order dismissing the Rivera appeal may be entered ex parte, provided respondents serve a copy of this order upon the Rivera appellants within 10 days after the date of entry hereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
Richard T. Andrias  
John T. Buckley  
John W. Sweeny, Jr., Justices.

-----x  
The People of the State of New York,  
Respondent,

-against-

M-6385A  
Ind. No. 1403/01

Torrie Jamal Wilson,  
Defendant-Appellant.

-----x  
Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 4, 2007 (Appeal Nos. 2276-2277),

And an order of this Court having been entered on February 19, 2008 (M-6385) granting defendant permission to submit a brief with respect to the issue of excessive sentencing,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion for reargument is granted, and upon reargument, the decision and order of this Court entered December 4, 2007 (Appeal Nos. 2276-2277) affirming the judgment of conviction, Supreme Court, New York County (Edwin Torres, J.), rendered October 9, 2001, as amended August 12, 2005, is adhered to. We perceive no basis upon which to reduce the sentence imposed upon defendant.

E N T E R.



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
Rev. Barry Hill,  
Plaintiff-Appellant,

-against-

Stanley Stahl, et al.,  
Defendants,

Safeworks LLC, et al.,  
Defendants-Respondents-Appellants,

277 Park Avenue, LLC,  
Defendant-Respondent-Respondent.

M-1926  
M-2201  
Index No. 22528/03

-----X  
Defendants-respondents-appellants, Safeworks LLC, et al.,  
having moved for reargument of the decision and order of this  
Court entered on March 25, 2008 (Appeal No. 2891) and for related  
relief (M-1926),

And defendant-respondent-respondent, 277 Park Avenue, LLC,  
having moved for reargument of or in the alternative, leave to  
appeal to the Court of Appeals from the aforesaid decision and  
order of this Court (M-2201),

Now, upon reading and filing the papers with respect to the  
motions, and due deliberation having been had thereon,

It is ordered that the motions are denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-2076  
Ind. No. 5958/06

Oscar Sierra,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 31, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Scott Greenfield, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
In re Prudential Equity Group, LLC,

Petitioner-Appellant,

-against-

M-2065  
Index No. 100746/06

Estate of Therese Bachalani Amiouny,  
etc., et al.,

Respondents-Respondents.  
-----X

Respondents-respondents having moved for reargument of the decision and order of this Court entered on March 20, 2008 (Appeal No. 3147N),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
John T. Buckley, Justices.

-----X  
Gardiner International, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-1927  
Index No. 602002/03

J.W. Townsend & Associates, Inc.,  
et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 13, 2008 (Appeal No. 3087),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-547A  
Ind. No. 497/07

Carlos Vasquez,

Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 6, 2007,

And, defendant-appellant, having moved pro se to withdraw his appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and assigned counsel having perfected the appeal herein on April 23, 2008,

It is ordered that the motion is deemed withdrawn. The order of this Court entered on May 13, 2008 (M-547) is hereby recalled and vacated.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
John T. Buckley  
James M. Catterson, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against- M-2062  
Ind. No. 293/06

John Hamlett,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,


Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
Rolando T. Acosta, Justices.

-----X  
Orchard Motorcycle Distributors,  
Inc., et al.,  
Plaintiffs-Appellants,

-against-

M-1933  
M-2012  
Index No. 117445/04

Morrison Cohen Singer & Weinstein, LLP,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on March 6, 2008 (Appeal No. 2995) (M-1933),

And defendant-respondent having cross-moved for an order imposing costs, sanctions and attorneys' fees against plaintiffs-appellants pursuant to 22 NYCRR 130-1.1 of the Rules of the Chief Administrator (M-2012),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Tracee Davis, Esq.,  
Plaintiff-Respondent,

-against-

M-2055  
Index No. 601494/07

Alan Mickens,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 22, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----x  
In the Matter of a Proceeding for  
Visitation Pursuant to Article 6  
of the Family Court Act.

Carl Wayne J.,  
Petitioner-Appellant,

M-2083  
Docket No. V14615/03

-against-

Maxine Brown J.,  
Respondent-Respondent.

-----x

An order of this Court having been entered on December 21, 2006 (M-5408), granting petitioner leave to prosecute, as a poor person the appeal from the order of the Family Court, New York County, entered on or about September 7, 2006, and assigning John Marafino, Esq., as counsel to prosecute the appeal,

And an order of this Court having been entered on June 7, 2007 (M-2234) granting assigned counsel John Marafino's motion to be relieved as counsel to prosecute the aforesaid appeal, and continuing the poor person relief afforded petitioner-appellant by order of this Court entered December 21, 2006 (M-5408),

And petitioner-appellant having moved for assignment of counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1938  
Ind. No. 3186/04

Robert Brown,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 26, 2006, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2088  
Ind. No. 5560/05

Michael Hughes,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Michael Obus, J.) entered on or about September 28, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:   
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
James M. McGuire, Justices.

-----X  
The People of the State of New York,

-against-

M-2073  
Ind. No. 2542/02

Sharma Ross,

Defendant.

-----X

An order of this court having been entered on March 27, 2007 (M-670) denying defendant's motion for an enlargement of time in which to file a notice of appeal, from the judgment of the Supreme Court, Bronx County, rendered on or about March 24, 2005, and for related relief,

And defendant having renewed his motion for said relief, previously denied by the aforesaid order of this Court (M-670),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied, the purported appeal having been deemed untimely pursuant to CPL 460.30 subd. 1 (see M-670 entered March 27, 2007, a copy of which is annexed hereto).

E N T E R :

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2124  
Ind. No. 6914/06

Keith Cox,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 23, 2007 (M-3821) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 8, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1945  
Ind. No. 3764/06

Jimmy Wu,  
Defendant-Appellant.


-----X  
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 5, 2008, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted only to the extent of deeming the notice of appeal timely filed.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including the amount and sources of his income and listing his property with its value and setting forth the terms of defendant's retainer agreement with trial counsel, James Kousouros, Esq., as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Luis A. Gonzalez  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Belinda S-J.,  
Petitioner-Appellant,

-against-

M-2287  
Docket No. F-6377/04

Jeffrey S.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about July 13, 2007,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2008 Term, with no further enlargements to be granted.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Paternity of

H. Children,

Pursuant to Article 5 of the  
Family Court Act.

M-2107  
Docket No. U21557/06

T. H.,  
Petitioner-Respondent,

-against-

P. C.,  
Respondent-Appellant.

-----  
Anne Glatz, Esq., Children's Law  
Center,  
Law Guardian for the Children.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about July 12, 2007,

And respondent-appellant father having moved for an order requiring the Bronx Family Court to provide respondent's counsel with a copy of the transcript of the in camera interview with the subject children held in said Court on July 12, 2007,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied and, sua sponte, the Clerk of the Bronx Family Court is directed to immediately transmit, **under seal** to the Exhibit Clerk of this Court, a copy of the transcript of the aforesaid in camera interview with the subject children.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John T. Buckley  
James M. McGuire  
Karla Moskowitz, Justices.

-----X  
Thomas Cacciatore, et al.,  
Plaintiffs-Respondents,

M-1593 & M-1978

-against-

Index No. 34599/98

The City of New York,  
Defendant,

Brooklyn Union Gas Company,  
Defendant-Appellant.

-----X

Plaintiffs-respondents having moved by separate motions for reargument of [M-1593] or, in the alternative, for leave to appeal to the Court of Appeals [M-1978] from the decision and order of this Court entered on March 4, 2008 (Appeal Nos. 2961-2961A),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

Present: Hon. David Friedman, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2163  
Ind. No. 4398/07

Francisco Morales,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2007, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-2148  
Ind. No. 3151/07

Donald C. Squires,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 7, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the sources of the funds to post the \$35,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,  
Milton W. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
The People of the State of New York  
ex rel. Rodney Roberts, also known  
as Rodney R. Roberts,  
Petitioner-Appellant,

-against-

M-2180  
Index No. 250805/07

Warden, Rikers Island Correctional  
Facility and New York State Division  
of Parole,  
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 18, 2008, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief,

Now, upon reading and filing the papers with respect to the motion and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 10 reproduced copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008.

PRESENT: Hon. David Friedman, Justice Presiding,  
Milton W. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
The New York State Urban Development  
Corporation to acquire title in fee in  
certain real property necessary for a  
land use improvement project known as

The 42nd Street Development Project  
(Sites 7 & 8)  
Petitioner-Condemnor,

M-2103  
Index Nos. 403585/95  
403587/95

-against-

Movieplex 42, Inc., etc.,  
Claimant-Appellant.

-----X

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 13, 2007,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2008 Term.

ENTER:

  
Clerk.



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. John T. Buckley  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-1749  
Ind. No. 369/05

-against-

CERTIFICATE  
DENYING LEAVE

Keith Bell,

Defendant.

-----X

I, John T. Buckley, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 7, 2008, is hereby denied.

Dated: New York, New York  
May 19, 2008

Entered: May 29, 2008

  
\_\_\_\_\_  
Justice of the Appellate Division

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M- 2205  
Ind. No. 5757/2006

-against-

CERTIFICATE  
DENYING LEAVE

Rodney Brown,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 18, 2008, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated: May 19, 2008  
New York, New York

ENTERED: May 29, 2008