

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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
George V Restauration S.A.,
Plaintiff-Respondent,

-against-

Little Rest Twelve, Inc.,
Defendant-Appellant.
-----X

M-2317X
Index No. 602309/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 13, 2009 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 2009, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-2293
Case No. 37418C/05

Miguel Collazo,
Defendant-Appellant.

-----X

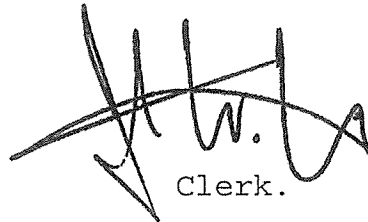
An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2008,

And defendant-appellant having moved to withdraw 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It is ordered that the appeal is deemed withdrawn.

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 26, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John T. Buckley
James M. Catterson
James M. McGuire
Dianne T. Renwick, Justices.

-----X
James L. Melcher,

Plaintiff-Respondent,

-against-

M-1511

Index No. 604047/03

Apollo Medical Fund Management L.L.C.
and Brandon Fradd,

Defendants-Appellants.
-----X

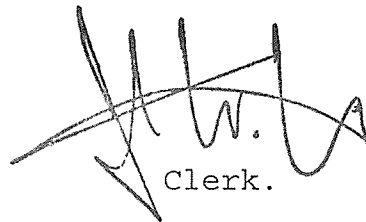
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 23, 2009 (mot. seq. no. 025),

And plaintiff-respondent having moved for dismissal of the aforesaid appeal, on the ground that no appeal lies from an order deciding a motion *in limine*,

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 and the appeal is dismissed, without prejudice to addressing the issues on any appeal taken from the final judgment.

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Shaniqua Tompkins,
Plaintiff-Appellant,

-against-

M-2048
Index No. 104745/08

Curtis Jackson,
Defendant-Respondent.

-----X

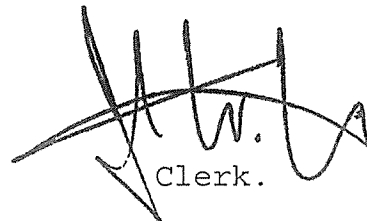
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2009 (mot. seq. no. 004) and an appeal having been taken from the order of said Court entered on or about February 4, 2009, as amended (mot. seq. no. 005),

And defendant-respondent having moved to dismiss the aforesaid appeals,

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 unless the appeals are perfected for the November 2009 Term. Upon failure to so perfect, an order dismissing the appeals may be entered ex parte, provided that defendant-respondent serves a copy of this order upon plaintiff-appellant within 10 days from the date of entry hereof.

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, 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-2008
Ind. No. 700/99

Joseph Harmon,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

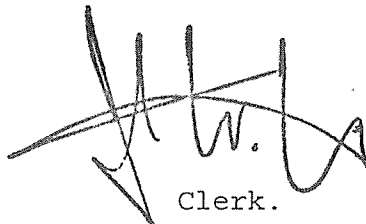
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 **resentence**. 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 '26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-2020
Ind. No. 1480/08

Donnella White, also known as
Donnella D. White,
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 April 20, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

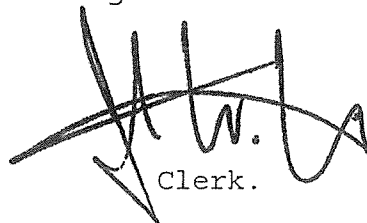
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-2033
Ind. No. 3352/08

Larry Martorell,
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 April 15, 2009, 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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, 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-2079
Ind. No. 1226/08

Curtis Bedford,
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 17, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

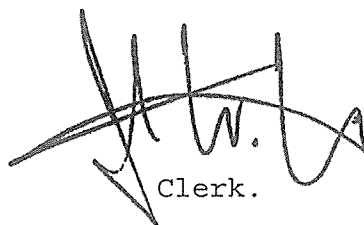
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 26, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John T. Buckley
James M. Catterson
James M. McGuire
Dianne T. Renwick, Justices.

-----X

In the Matter of

Janiyha Geraldine F.,

M-1547

A Dependent Child under 18 Years of Age Pursuant to §384-b of the Social Services Law and/or Article 6 of the Family Court Act.

Docket No. B395/08

McMahon Services for Children, a Program of Good Shepherd Services, et al.,

Petitioners-Respondents,

Gerald F.,

Respondent-Appellant.

Samuel Feldman, Esq.,

Law Guardian for the Child.

-----X

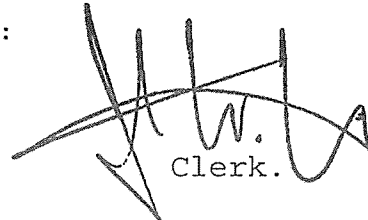
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about February 19, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, New York 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Shiela Abdus-Salaam, Justices.

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

-against-

M-1936
Ind. No. 1042/08

Vincent Rosado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 6, 2009, 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, setting forth the amount and sources of funds to post the \$5,000 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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Shiela Abdus-Salaam, Justices.

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

-against-

Terry Pearson,
Defendant-Appellant.

M-1950
Ind. Nos. 5161/04
66/09

-----X

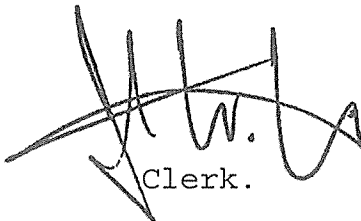
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for 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 only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 26, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-1959
Ind. No. 2654/06

Herman Thomas,
Defendant-Appellant.

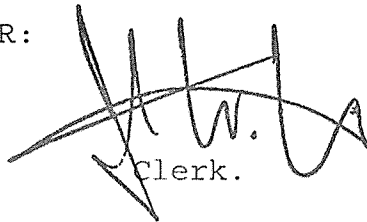
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 6, 2007, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before September 8, 2009 for the November 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-2275
Ind. No. 2548/06

Michael Howard,
Defendant-Appellant.

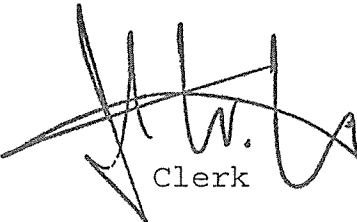
-----X

An order of this Court having been entered on November 18, 2008 (M-4758) assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2008,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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.

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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Evangelia Manios Zachariou,
Plaintiff-Respondent,

-against-

M-1781
Index No. 601196/06

Vassilios Manios,
Defendant-Appellant.
-----X

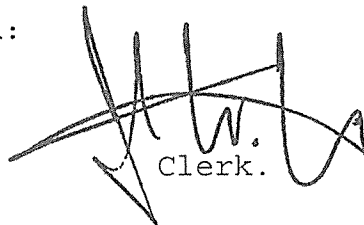
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 7, 2009 (mot. seq. no. 005),

And defendant-appellant having moved for a stay of arbitration pending hearing and determination of 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 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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Ralph Dickerson, Jr.,
Plaintiff-Respondent,

-against-

M-1883
Index No. 350111/05

Gloria Deanna Dickerson,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about March 16, 2009,

And defendant-appellant having moved for order staying execution of certain portions of the aforesaid judgment, and for a stay of further proceedings in Supreme Court pending hearing and determination of 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 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 26, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Shiela Abdus-Salaam, Justices.

-----X
In the Matter of the Application of

Edwin Fermin,
Petitioner,

For a Judgment Pursuant to Article 30
and Article 78 of the CPLR,

-against-

M-2182
Index No. 400168/08

New York City Housing Authority and
Tino Hernandez, as Chair of the New
York City Housing Authority,
Respondents.

-----X

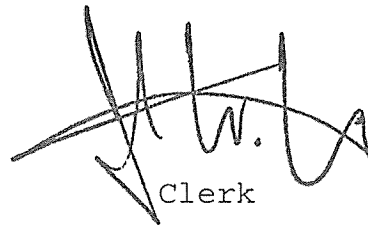
An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 001),

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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 proceeding to the September 2009 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 26, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Cyrille Allannic, et al.,
Plaintiffs-Appellants,

-against-

M-426
Index No. 601216/06

Paul Levin, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal Nos. 4928 and 4928A),

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.

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 26, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Oxford Health Plans (NY), Inc.,
Petitioner-Respondent,

-against-

M-1110
Index No. 108727/04

Howard L. Scheiner, M.D.,
Respondent-Appellant.
-----X

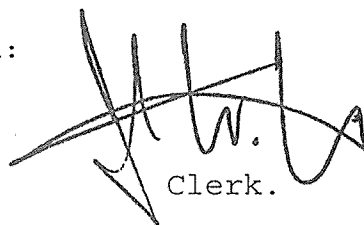
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 21, 2005,

And petitioner-respondent having moved to dismiss the appeal as untimely taken, or, for alternative 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 dismissing the appeal.

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 26, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Amora Rachel Leah Rabinowich,
Petitioner,

-against-

M-1859
Docket No. O-7602-04

Yehuda Aryi Leib Kislevich,
Respondent.

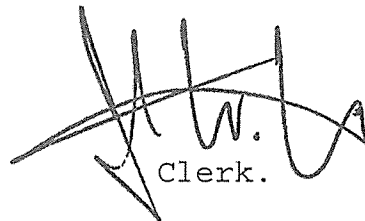
-----X

Respondent having moved for leave to prosecute, as a poor person, the purported appeal taken from the order of protection of the Family Court, New York County, entered on or about June 7, 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 dismissed as no appeal lies from an order entered upon default. (CPLR 5511)

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 26, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-1098
Ind. No. 5785/02

Nathaniel Syville,
Defendant.

-----X

Orders of this Court having been entered on July 13, 2006 (M-3204), March 29, 2007 (M-714) and January 31, 2008 (M-6706), inter alia, denying defendant an extension of time within which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 19, 2004,


And defendant having taken an appeal from the judgment of resentence of said Court rendered on or about January 6, 2009,

And assigned counsel on the resentence, Robert S. Dean, Esq., Center for Appellate Litigation having moved this Court for relief in the nature of a writ of error coram nobis alleging ineffectiveness of counsel with respect to the failure to timely file a notice of appeal from the aforesaid sentence rendered on or about November 19, 2004 within the constraints of CPL 460.30 subd. 1 and for leave to file said notice of 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 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 26, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-1589
Ind. No. 1348/06

Tony Council,
Defendant-Appellant.

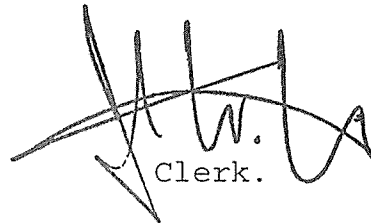
-----X

Defendant having moved in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel in the Supreme Court, New York County, with respect to the judgment of said court, rendered on or about February 8, 2007, or in the alternative, for an extension of time in which to file a late notice of 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 in the nature of a writ of error coram nobis is denied. So much of the motion which seeks an extension of time in which to file a notice of appeal is denied. (CPL 460.30 subd. 1).

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 in the County of New York on May 26, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Shelia Abdus-Salaam, Justices.

-----X
CVL Real Estate Holding Co., LLC,

Plaintiff-Respondent,

-against-

M-2104
Index No. 602868/07

Eli Weinstein,

Defendant-Appellant.
-----X

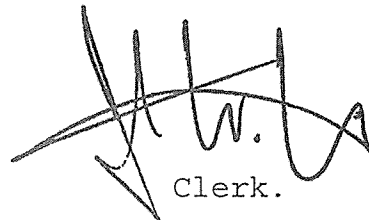
An appeal having been taken from the order of contempt and arrest issued by Supreme Court, New York County, entered on or about April 30, 2009,

And defendant-appellant having moved to vacate and/or quash the aforesaid order directing his arrest on criminal contempt, pending hearing and determination of 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 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 26, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-1702
Ind. No. 2710/97

Carlos Duarte,

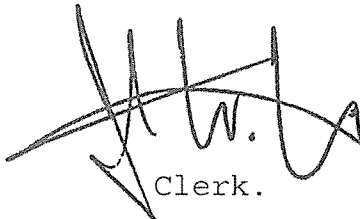
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 4, 2008,

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 2009 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 26, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of Application of

Jefferies & Company, Inc., et al.,
Petitioners-Respondents,

-against-

M-2106
Index No. 103612/09

Infinity Equities I, LLC.,
Respondent-Appellant.

-----X

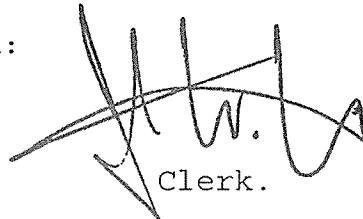
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 30, 2009,

And respondent-appellant having moved for a stay of arbitration pending hearing and determination of 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 staying appellant's obligation to participate in subject arbitration on condition appellant perfects the appeal on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

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 26, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Ford Models, Inc.,
Plaintiff-Appellant,

-against-

M-2232
Index No. 601372/09

Kendra Spears,
Defendant-Respondent.

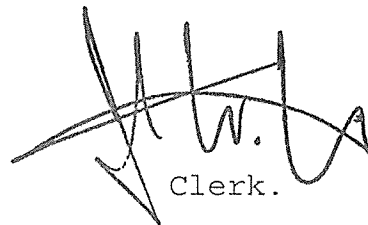
-----X

Defendant-respondent Spears having moved, pursuant to CPLR 5704(a), for an order of this Court vacating certain relief granted plaintiff by a Justice of the Supreme Court, New York County, on or about May 7, 2009,

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 vacating the temporary restraining order issued by the Supreme Court on or about May 7, 2009, without prejudice to further proceedings in the Supreme Court. (See M-2233 decided simultaneously herewith).

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 26, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Ford Models, Inc.,
Plaintiff-Appellant,

-against-

M-2233
Index No. 601373/09

Next Management, LLC,
Defendant-Respondent.

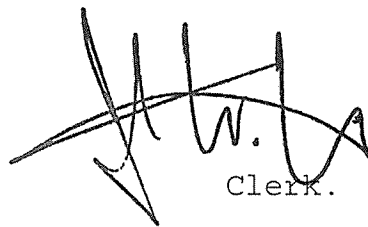
-----X

Defendant-respondent Next Management, LLC having moved, pursuant to CPLR 5704(a), for an order of this Court vacating certain relief granted plaintiff by a Justice of the Supreme Court, New York County, on or about May 7, 2009,

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 vacating the temporary restraining order issued by Supreme Court on or about May 7, 2009, without prejudice to further proceedings in the Supreme Court. (See M-2232 decided simultaneously herewith).

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 26, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----x
Dennis Telford and Rosemarie Telford,

Plaintiffs,

-against-

M-1539
Index No. 118105/06

385 Third Avenue Associates, L.P. and
KNK Construction, LLC,

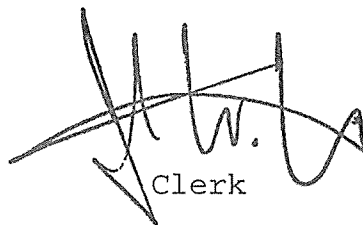
Defendants.
-----x

Defendants having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of the Supreme Court, New York County, on or about March 27, 2009 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated April 1, 2009, from Patrick W. Brophy, Esq., of McMahon, Martine & Gallagher, LLP, counsel for defendants, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 26, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
Euroway Contracting Corp.,

Plaintiff-Respondent,

-against-

M-1953
Index No. 25646/02

Mastermind Estate Development Corp.,
et al.,

Defendants-Appellants.
-----X

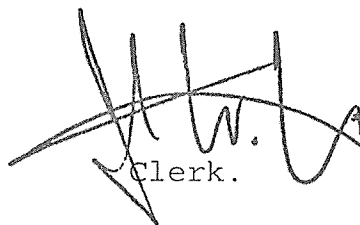
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 14, 2009,

And defendants-appellants having moved for an order staying the trial herein, pending hearing and determination of the aforesaid appeal; and plaintiff having responded to defendants' motion for said relief by seeking sanctions and costs pursuant to Rule 130-1.1,

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, as is plaintiff's request.

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 26, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Gritley Powell,
Plaintiff-Respondent,

-against-

M-2180
Index No. 18605/06

Anthony J. Pirrotti and Law Offices
of Anthony J. Pirrotti,
Defendants-Appellants.
-----X

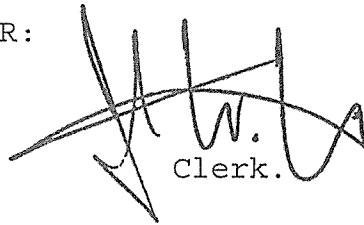
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 8, 2009,

And defendants-appellants having moved for a stay of all proceedings pending hearing and determination of 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 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 26, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-1579A
Ind. No. 619/08

Rasheem Williams,
Defendant-Appellant.
-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

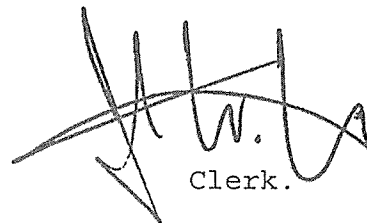
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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. The order of this Court entered on May 14, 2009 (M-1579), 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 26, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
E.M. Rinehart Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-2385
Index No. 601119/05

Zawacki, Everett, Gray & McLaughlin,
Defendant-Respondent-Appellant.

-----X

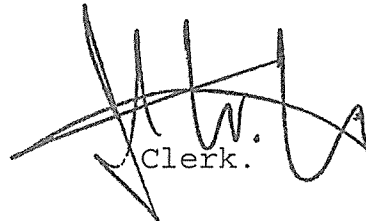
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 12, 2008,

And defendant-respondent-appellant having moved for a stay of trial pending hearing and determination of the appeal and cross 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 on condition the appeal and cross appeal are perfected for the December 2009 Term.

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 26, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
The People of the State of New York,
ex rel. Jose Rodriguez,
Petitioner-Appellant,

M-1795
Index No. 250548/07

-against-

Warden, Rikers Island Correctional
Facility, et al.,
Respondents-Respondents.

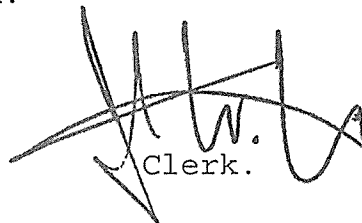
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 14, 2009 (Appeal No. 322),

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.

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 26, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Global Reinsurance Corporation -
U.S. Branch, formerly known as
Global Reinsurance Corporation -
U.S. Branch,
Plaintiff-Respondent,

-against-

M-2027
Index No. 600815/07

Equitas Ltd., Equitas Reinsurance
Ltd. and Equitas Policyholders
Trustee Ltd.,
Defendants-Appellants.

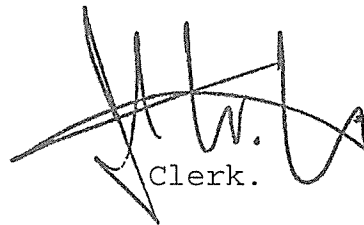
-----X

Defendants-appellants 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 July 7, 2008 (mot. seq. no. 003), or for leave to withdraw said 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 deeming the appeal withdrawn without prejudice.

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 26, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

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

-against-

M-1738
Ind. No. 3393/99

Angel Cordero,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about March 17, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

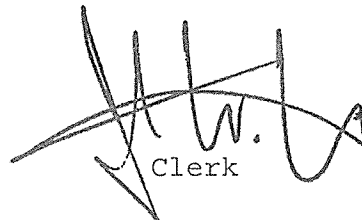
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 **resentence**. 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 26, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Rosa E. Maldonado,
Plaintiff-Respondent,

-against-

M-1791
Index No. 21294/05

South Bronx Development Corp. and
Food Bazaar
Defendants,

CP Associates,
Defendant-Appellant.

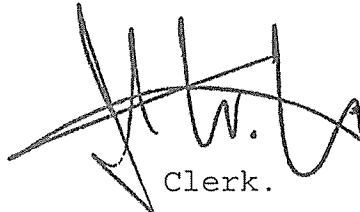
-----X

Defendant-appellant CP Associates having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 30, 2008,

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 September 2009 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 26, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Travis Williams,
Plaintiff-Appellant,

-against-

M-1822
Claim No. 107459

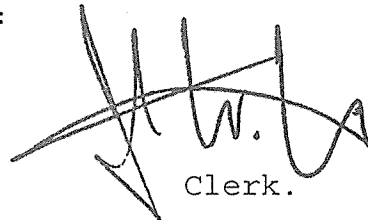
Pyramid Reception Center and
The State of New York,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Court of Claims entered on or about June 19, 2008,

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 2009 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 26, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalynd H. Richter, Justices.

-----X
In the Matter of the Application of

Lydia Gitis,
Petitioner-Respondent,

-against-

M-1965
Index No. 104327/08

The City of New York,
Respondent-Appellant.

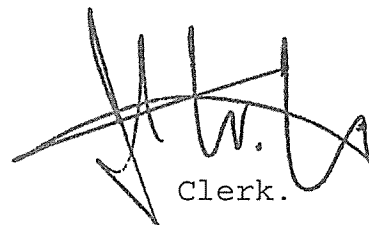
-----X

Respondent-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 June 23, 2008 (mot. seq. no. 001),

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 2009 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 26, 2009.

Present: Hon. James M. Catterson, Justice Presiding,
James M. McGuire
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Marie Lentini and Norman Lentini,
Plaintiffs-Respondents,

-against-

M-1836
Index No. 18020/06

New York City Transit Authority and
Emilio Lugo,
Defendants-Appellants.

-----X

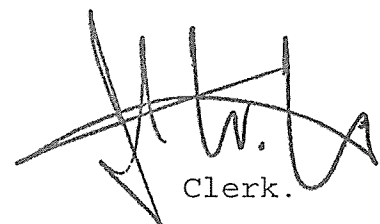
An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about February 18, 2009,

And plaintiffs-respondents having moved for the dismissal of the aforesaid appeal or, in the alternative, for a preference in the hearing of said 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 to dismiss the appeal is granted unless the appeal is perfected for the October 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellants within 10 days after the date of entry hereof. The motion is otherwise 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 26, 2009.

Present: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Shelia Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Marcia Seckler,

on behalf of Danny Tarangelo,
Petitioner-Appellant,

M-1504
Index No. 400580/09

-against-

Martin F. Horn, Commissioner,
New York City Department of
Correction,
Respondent-Respondent.

-----X

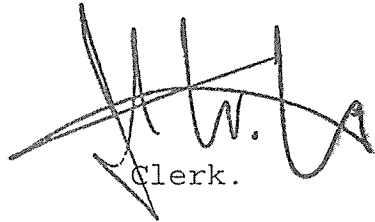
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 23, 2009, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced 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 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 both the District Attorney and 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.

Pursuant to Section 35 of the Judiciary Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

ENTER:


Clerk.

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

-against-


Ricardo Muir,

Defendant.
-----X

M-372
Ind. No. 2805/04

CERTIFICATE
DENYING LEAVE

I, Peter Tom, 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, Bronx County, entered on or about November 24, 2008 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: May 19, 2009
New York, New York

ENTERED MAY 26 2009

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-1775
Ind. No. 515/08

-against-

CERTIFICATE
DENYING LEAVE

Kelvin Dunbar, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 16, 2009, is hereby denied.

Dated: New York, New York
May 19, 2009



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED MAY 26 2009

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-2085
Ind. No. 1998/94

-against-

CERTIFICATE
DENYING LEAVE

Theodore Simpson, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 decision and order of the Supreme Court, Bronx County, entered on or about December 24, 2008 and the decision and order of said Court entered on or about March 14, 2009 respectively, is hereby denied.

Dated: New York, New York
May 19, 2009

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED MAY 26 2009

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-2220
Ind. No. 2215/04

-against-

CERTIFICATE
DENYING LEAVE

Alexis Gruyair, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 December 22, 2008, is hereby denied.

Dated: New York, New York
May 19, 2009



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED MAY 26 2009