

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 March 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

Anthony Malloy, also known as,
Anthony Milloy,
Defendant-Appellant.

M-544
M-835
Ind. Nos. 681/12
429/99

-----X

Defendant-appellant, pro se, having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 14, 2014, under Indictment No. 681/12, and for related relief (M-544),

And defendant-appellant, pro se, having moved separately for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 2, 1999, and a judgment of **resentence** rendered on or about August 20, 2008, under Indictment No. 429/99, and for related relief (M-835),

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 (M-544/M-835).

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 March 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr.,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn,

Justice Presiding,

Justices.

-----X

The People of the State of New York,
Respondent,

-against-

CONFIDENTIAL

M-529

Ind. No. 4797/11

Shawn B.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of
time to file a notice of appeal from the judgment of the Supreme
Court, New York County, rendered on or about October 22, 2013,
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 denied in its entirety.

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 March 28, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
In the Matter of

Egypt A.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

- - - - -
Commissioner of Children's Services
of the City of New York,
Petitioner-Appellant,

CONFIDENTIAL

M-5595
Docket No. NA-23400/14

Melanie A., also known as Melanie H.,
and James A.,
Respondents-Respondents.

- - - - -
Seymour W. James, Jr., Esq., The
Legal Aid Society, Juvenile Rights
Division,
Attorney for the Child.

-----X
Petitioner-appellant having moved, pursuant to CPLR 5516,
for leave to appeal to this Court from the order of the Family
Court, Bronx County, entered on or about October 27, 2016,

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.

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 March 28, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels, Justices.

-----X

The Columbia Condominium by its
Board of Managers,
Plaintiff-Respondent,

-against-

Farrin Ullah, also known as
Entezari F. Ullah, etc.,
Defendant-Appellant,

-and-

Nazlie Ullah, et al.,
Defendants.

-----X

M-6438

M-6369

M-827

M-854

Index No. 153517/13

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 8, 2014,

And, defendant having moved, inter alia, for a stay, for poor person relief, and for an enlargement of time to perfect the appeal (M-6438),

And, plaintiff having cross-moved for a certain protective order (M-6369),

And, plaintiff-respondent having cross-moved for dismissal of the aforesaid appeal (M-827),

And, defendant-appellant having moved to include certain exhibits in connection with the aforesaid appeal (M-854),

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

It is ordered that plaintiff's motion (M-827) is granted, and the appeal is dismissed. The remainder of the motions (M-6438, M-6369 and M-854) are denied as moot.

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 March 28, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzairelli
Paul G. Feinman
Troy K. Webber, Justices.

-----X
In re Makeba Carpenter,
Petitioner-Appellant,

-against-

M-812
Index No. 154622/14

New York City Housing Authority,
Respondent-Respondent,

New York City Police Department,
et al.,
Respondents.

-----X

Petitioner-appellant, pro se, having moved for reargument of the decision and order of this Court entered on January 26, 2017 (Appeal No. 2864),

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 March 28, 2017.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
In the Matter of a Custody and/or
Visitation Proceeding Under Article 6
of the Family Court Act.

Berliz P.,
Petitioner-Appellant,

CONFIDENTIAL
M-632

-against-

Docket No. V-43807-14/14A
V-43115-14/14A

Juan B.,
Respondent-Respondent,

Jayden B.,
Respondent-Appellant.

Richard L. Herzfeld, Esq.,
Attorney for the Child,
Jayden B.

-----X

Separate appeals having been taken by the above-named appellants from the same order of the Family Court, New York County, entered on or about June 30, 2015,

And, respondent-appellant child, Jayden B., having moved to withdraw his 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 taken by the subject child withdrawn. The appeal taken by petitioner-appellant mother remains extant.

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 March 28, 2017.

| | |
|-----------------------------------|--------------------|
| Present - Hon. Rolando T. Acosta, | Justice Presiding, |
| Dianne T. Renwick | |
| Sallie Manzanet-Daniels | |
| Troy K. Webber | |
| Ellen Gesmer, | Justices. |

-----X
Myrtle W. Andrews and Sandra Andrews,

Plaintiffs-Appellants,

-against-

M-380
M-893
Index No. 305645/09

Estate of Francis K. Andrews, deceased,
by Imelda Andrews, Administratrix, and
Imelda Andrews, personally,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 21, 2015 (M-380),

And plaintiffs-appellants having cross-moved for an enlargement of time to perfect the appeal (M-893),

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 cross motion (M-893) is denied, the motion (M-380) is granted, and 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 March 28, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X

Steven M.,
Plaintiff-Respondent,

-against-

CONFIDENTIAL

M-672

Index No. 350424/06

Olga M.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 8, 2014,

And, the subject child having moved to dismiss the appeal for failure to timely prosecute,

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.

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 March 28, 2017.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Holly Schiebl,
Plaintiff-Respondent,

-against-

M-364
Index No. 20100/14

Senior Care Emergency Medical Services,
Defendant-Appellant,

"Jane Doe," etc., et al.,
Defendants.

-----X

Plaintiff-respondent 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 6, 2016 (Appeal No. 2375),

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 March 28, 2017.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
490-492 Amsterdam Avenue Housing
Development Fund Corporation,
Plaintiff-Respondent,

-against-

M-6594
Index No. 156161/12

Hector P. O'Neal,
Defendant-Appellant.

-----X

Defendant-appellant 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 November 29, 2016 (Appeal No. 2298),

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 March 28, 2017.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

Gurpreet Singh,
Plaintiff-Respondent-
Appellant,

-against-

M-924
Index No. 152773/12

Alliance Building Services, LLC,
et al.,
Defendants-Appellants-
Respondents.

-----X

Plaintiff-respondent-appellant 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 January 19, 2017 (Appeal No. 2801-2802),

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 March 28, 2017.

| | |
|---------------------------|--------------------|
| Present - Hon. Peter Tom, | Justice Presiding, |
| David Friedman | |
| John W. Sweeny, Jr. | |
| Rolando T. Acosta | |
| Dianne T. Renwick, | Justices. |

-----X
SUK Incorporated, doing business as
Rainbow Limo, and Seongbae Dan,
Plaintiffs-Respondents,

-against-

M-406
Index No. 155192/13

Flushing Workers Center, et al.,
Defendants-Appellants.

-----X

Consolidated appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 4, 2014 and April 3, 2015, respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated February 6, 2017, 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 March 28, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-6458
Ind. No. 2343/13

James Thomas,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 18, 2015,

And, defendant having moved, pro se, by letter, dated October 12, 2016, to withdraw his appeal,

And, an order of this Court having been entered on November 3, 2016 (M-4829), granting defendant poor person relief and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute defendant's appeal,

Now, upon reading the papers with respect to the motion, including correspondence from defendant, dated December 27, 2016, stating he does not wish to withdraw his appeal, and due deliberation having been had thereon,

It is ordered that defendant's motion to withdraw his 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 March 28, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

Cecilia Mackie,
Plaintiff-Appellant,

-against-

M-1354
Index No. 600006/12

The Cohen Organization LLC,
Alan Cohen,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 17, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated February 21, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 March 28, 2017.

| | |
|---------------------------|--------------------|
| Present - Hon. Peter Tom, | Justice Presiding, |
| David Friedman | |
| John W. Sweeny, Jr. | |
| Rolando T. Acosta | |
| Dianne T. Renwick, | Justices. |

-----X

Nilda Urreta,

Plaintiff-Respondent,

-against-

M-728

Index No. 22746/12E

Vornado 330 West 34th Street L.L.C.,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 24, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 7, 2017, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, 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 March 28, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn, Justices.

-----X
In the Matter of the Application of
Justina Cruz,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

M-498
Index No. 251290/15

-against-

Vicki Been, as Commissioner of the
Department of Housing Preservation
and Development, New York City
Department of Housing Preservation
and Development MLK, LP,
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, Bronx County,
entered on or about February 16, 2016,

And, respondent MLK, LP having moved for dismissal of the
aforesaid proceeding,

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

It is ordered that the motion is granted and the proceeding
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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-225
Ind. No. 4486/15

Mark Merius,
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 December 23, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-240
Ind. No. 511/15

Kelly Colesone,
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 September 29, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-322
Ind. No. 1102/16

Guillermo Pagan,
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 January 5, 2017, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Rosemary Herbert, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-323
Ind. No. 3184/15

Lindsay Aailiyah,
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 December 9, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Rosemary Herbert, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-325
Ind. No. 5128/15

Lindsay Aailiyah,
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 December 9, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Rosemary Herbert, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-349
Ind. No. 3194/15

Alfredo Otero,
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 December 7, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-355
Ind. No. 63/16

Joseph Ancona,
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 November 29, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-372
Ind. No. 1263/15

Edward Major,
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 January 5, 2017, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-450
Ind. No. 617/14

Luis Felipe Robles,
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 November 10, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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.

Rosemary Herbert, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-494
Ind. No. 2049/13

Javid Dore,
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 June 9, 2015, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-565
Ind. No. 1173/16

John Clemente,
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 January 10, 2017, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against- M-566
Ind. No. 3790/14

Kevin Darden,
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 November 10, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-838
Ind. No. 1709/15

Jacob Larbie,
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 January 26, 2017, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript 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, 120 Wall Street, 28th Floor, New York, New York 10005, 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 March 28, 2017.

Present - Hon. Peter Tom,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-1086

-against-

Ind. No. 4448/06

Jorge M.,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 2, 2017 (M-6096) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 21, 2008, and assigning Seymour W. James, Jr., 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 Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, 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.

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 March 28, 2017.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X

In the Matter of

Isaiah D.,
and Tru L.,

CONFIDENTIAL

M-612

Docket Nos. NN-18913/13
NN-18914/13

Children Under 18 Years of Age
Alleged to be Neglected Under
Article 10 of the Family Court
Act.

- - - - -
Commissioner of Social Services
of the City of New York,
Petitioner-Respondent,

Mark D.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about November 19, 2014, and for assignment of counsel, a free copy of the transcript, 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
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq.,
366 North Broadway, Suite #410, Jericho, NY 11753, Telephone

No. (516) 942-4221, 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 therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately 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 March 28, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sallie Manzanet-Daniels
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-338
Ind. No. 1542N/14

Jose Estabez,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2015,

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 to perfect the appeal to the September 2017 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 March 28, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
Francisco L. Camara,
Petitioner-Respondent,

-against-

M-747
Index No. 163157/15

Skanska, Inc., Skanska Koch, Inc.,
Skanska USA Civil, Inc., and
Kiewit Infrastructure Co.,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 24, 2016, and said appeal having been perfected,

And, respondents-appellants having moved for a stay of all proceedings, arising out of the aforesaid order pending hearing and determination of the 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 March 28, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-989
Ind. No. 2694/00

Gonzalo Aguilar,
Defendant-Appellant.

-----X

Defendant-appellant having moved to renew/reargue the order of this Court, entered on February 2, 2017, denying his motion for relief in the nature of a writ of error coram nobis, and for other relief, and assigning him counsel for the purpose of addressing the People's motion for dismissal of the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 25, 2002 (M-4901/M-5179),

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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

Lamont Walker,
Defendant-Appellant.

M-6442
Ind. Nos. 5730/94
746/95

-----X

A decision and order of this Court having been entered on December 6, 2001 (Appeal No. 5543), unanimously affirming a judgment of the Supreme Court, New York County (Rena Uviller, J. At hearing; Bernard Friedman, J., at jury and sentence),

And, defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 March 28, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Shop Architects, P.C.,
Plaintiff-Respondent,

-against-

M-6621
Index No. 101043/12

25th Street Art Partners LLC, et al.,
Defendants-Appellants.

- - - - -

(And a third-party action)

-----X

Defendants-appellants 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 1, 2016 (Appeal No. 2371N),

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 March 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
John Harada,
Plaintiff-Appellant,

-against-

M-674
Index No. 652396/14

Liu Dan, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 1, 2015,

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.

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 March 28, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Judith J. Gische
Troy K. Webber, Justices.

-----X

Joan C. Lipin,
Plaintiff-Appellant,

M-816

M-716

-against-

M-751

M-752

Danske Bank, David E. Hunt, Ulf Bergquist, Index No. 150972/14
Evelyn F. Ellis, Joseph R. Mazziotti, Dana
A. Sawyer, Krainin Real Estate, Ann Susan
Markatos, Robert Gary Lipin, David A. Berger,
Allegaert Berger & Vogel LLP, Mark K. Anesh,
and Deborah Lovewell,
Defendants-Respondents.

-----X

Defendants-respondents, Hon. Joseph R. Mazziotti and Mark K. Anesh, having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about December 13, 2016 (M-816),

And, defendants-respondents, David A. Berger and Allegaert Berger & Vogel, LLP, having moved separately for the same relief (M-716),

And, defendant-respondent, Danske Bank, having moved separately for said relief (M-751),

And, plaintiff-appellant, pro se, having cross-moved for dismissal of the aforesaid motions by defendants-respondents (M-752), and to disqualify attorneys David E. Berger, Esq., and the law firm Allegaert Berger & Vogel, LLP, and Francis Earley, Esq.,

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

It is ordered that the motions insofar as they seek to dismiss the appeal are granted (M-816/M-716/M-751). The cross motion is denied in its entirety (M-752).

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 March 28, 2017.

| | |
|--------------------------------|--------------------|
| Present - Hon. David Friedman, | Justice Presiding, |
| Richard T. Andrias | |
| Paul G. Feinman | |
| Barbara R. Kapnick | |
| Ellen Gesmer, | Justices. |

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

| | |
|----------------------|-------------------|
| -against- | M-386 |
| | Ind. Nos. 1088/12 |
| Trevis Eubanks, | 1094/12 |
| Defendant-Appellant. | |

-----X

An order of this Court having been entered on November 17, 2015 (M-3496), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 15, 2014, under Indictment No. 1088/12, and assigning counsel therefor,

And, defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include the judgment of said Court rendered on or about October 15, 2013 under Indictment No. 1094/12, and for this Court's order to reflect that the judgment under Indictment No. 1088/12 was also rendered on October 15, 2013,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of said Court, rendered on or about October 15, 2013 under Indictment No. 1094/12, and extending the

poor person relief previously granted to cover same. This Court's order is also amended to reflect that the judgment under Indictment No. 1088/12 was also rendered on October 15, 2013.

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 March 28, 2017.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Paul G. Feinman
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
The People of the State of New York
ex rel. Troy Campbell,
Petitioner,

-against- M-553
NYSID 00593120R
New York State Department of Warrant No. 747939
Corrections,
Respondent.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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 be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, #111, Bronx New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Vernon C. Bain Center, 1 Halleck Street, Bronx, New York, 10474; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 E. 161st St., Bronx, NY 10451, be deemed due and sufficient notice.

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 March 28, 2017.

Justice Presiding,

Justices.

Present: Hon. David Friedman,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick,

-----X
Aron Grinshpun, et al.,
Petitioners-Respondents,

-against-

Elena Borokhovich,
Respondent-Appellant,

Pinczewski & Shpelfogel, P.C.,
and Mitchell B. Shpelfogel,
Stakeholders

Gennady (also known as Eugene)
Borokhovich,
Judgment Debtor.

-----X

M-1236
Index No. 158141/16

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 11, 2017, and on or about January 13, 2017,

And, respondent-appellant having moved to stay discovery, pending determination of the 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 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 March 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

William Elefante,
Plaintiff-Appellant,

-against-

M-640
Index No. 104367/11

J.F. Shea Construction, Inc., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about March 29, 2016,

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.

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 March 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Donald Hostomsky,
Plaintiff-Appellant,

-against-

M-417
Index No. 21782/13

Steven C. Connell, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about April 1, 2016,

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.

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 March 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
In the Matter of

Jayden Nasir H.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -
Catholic Guardian Services,
Petitioner-Respondent,

CONFIDENTIAL

M-1266
Docket Nos. B-25970/14
A-291/17

Alex H.,
Respondent-Appellant.
- - - - -

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.
-----X

An order of this Court having been entered on January 24, 2017 (M-5109) granting respondent leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about September 2, 2016, and assigning Richard L. Herzfeld, 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 Richard L. Herzfeld, Esq., as counsel to prosecute respondent's appeal, and substituting, pursuant to Section 722 of the County Law, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York 11753, Telephone No. (516) 942-4221, 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.

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 March 28, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Prospect Funding Holdings L.L.C.,
Plaintiff-Respondent,

-against-

M-687
Index No. 157029/15

Pamela Maslowski,
Defendant-Appellant,

James Schwebel, Esq., et al.,
Defendants.

-----X

Plaintiff-respondent 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 January 12, 2017 (Appeal Nos. 2747, 2748, 2748A and 2748B),

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 March 28, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Sallie Manzanet-Daniels, Justices.

-----x

Jaime W. Rodriguez, Administrator of
the Estate of Juan Carlos Rodriguez,
deceased,

Plaintiff-Respondent,

-against-

M-643

M-649

Index No. 21640/06

The City of New York, Kinny Parking,
Inc., Kinney Parking System, Inc.,
Kinney Parking of the Bronx, Inc.,
Defendants-Appellants,

-and-

Kelly Pena and Victor M. Martinez,
Defendants.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 23, 2016,

And, Kinney Parking, Inc., Kinney Parking System, Inc. and Kinney Parking of the Bronx, Inc. (M-643) and the City of New York (M-649) having separately moved for an enlargement of time to perfect their respective appeals,

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 granted to the extent of enlarging the time to perfect the respective appeals to the October 2017 Term. The Clerk is directed to calendar both appeals, if so perfected, to be heard on the same day in said October 2017 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 March 28, 2017.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

In the Matter of

Antonio James L.,
Romeo Jayce L.,
and Zoey Jolie L.,

M-3565A

Docket Nos. B-33763-5/15
V-34892-3/15
V-32293/16

Dependent Children Under 18 Years
of Age Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
The Administration for Children's
Services, and the Center for Family
Representation, Inc.,
Petitioners-Respondents,

Emily L.,
Respondent-Appellant,

Antonio James L.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, an appeal from three orders of the Family Court, New York County, all entered on or about June 10, 2016, and for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914-552-6076 as counsel for purposes of prosecuting the appeal and responding to the father's appeal (See M-4705A/M-4706A); (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 therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered on September 27, 2016 (M-3565) is recalled and vacated.

ENTER:



CLERK

1

Service 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 March 28, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Angela M. Mazzarelli, Justices.

-----X

In the Matter of the Guardianship of
the Persons and Custody of

CONFIDENTIAL

Antonio James L.,
Romeo Jayce L.,
and Zoey Jolie L.,

M-4705A
Docket Nos. B-33763/15
B-33764/15
B-33765/15

Dependent Children Under the Age of
18 Years Pursuant to §384-b of the
Social Services Law.

- - - - -

Edwin Gould Services for Children
and Families, et al.,
Petitioners-Respondents,

Eric David L.,
Respondent-Appellant,

Emily L.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X

In the Matter of a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

- - - - -

Ashley and Christopher J.,
Petitioners-Respondents,

M-4706A
Docket Nos. V-34893/15
V-34892/15
V-32293/16

-against-

Eric David L. and Emily L.,
Respondents-Appellants.

-----X

Respondent-appellant father, Eric David L., having moved for leave to prosecute, as a poor person, the appeal taken from the orders of the Family Court, New York County, entered on or about June 10, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief (M-4705),

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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, New York 11753, Telephone No. (516) 942-4221, as counsel for purposes of prosecuting the father's appeal and responding to the mother's appeal (See M-3565A); (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellants to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellants are directed to perfect their appeals, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered on November 22, 2016 (M-4705/M-4706) is recalled and vacated.

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 March 28, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Paul G. Feinman
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1193A
Ind. No. 1224/12

Tulsie Singh,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2015, and said appeal having been perfected and submitted (Appeal No. 3501 [March 2, 2017]),

And retained counsel having moved to be relieved as 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 counsel, Adam Bevelacqua, 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, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 as such counsel. Final determination of the appeal is held in abeyance for 30 days, pending further motion practice by newly assigned counsel, if so advised. The order of this Court entered on March 23, 2017 (M-1193) is recalled and vacated.

ENTER:


CLERK

✓

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-1072
Ind. No. 3027/08

-against-

CERTIFICATE
DENYING LEAVE

Roger Almanzar ,

Defendant.

-----X
I, John W. Sweeny, Jr., 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 November 22, 2016 (Bonnie
Wittner, J.) is hereby denied.


Associate Justice

Dated: March 13, 2017
New York, New York

ENTERED: MAR 28 2017