

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 18, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Ella Reid, et al.,
Plaintiffs-Respondents,

-against-

M-1749
Index No. 7844/07

Real Estate International, Ltd.,
and Ronald Losner,
Defendants-Appellants,

-and-

Frank Giordano,
Defendant.

-----x
[And another action]
-----x

Index No. 381176/07

Appeals having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about September 9, 2015, and from the amended order of said Court, entered on or about November 18, 2015, respectively, and said appeals having been consolidated by an order of this Court, entered on September 22, 2016 (M-3328), and having been perfected,

And plaintiffs having moved to lift any stay against enforcement of the orders being appealed and to preclude any future request for a stay (See M-81/484 [February 28, 2017]),

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.

ENTERED:


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 18, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X

In the Matter of the Application of
Jonathan Johnson,
Petitioner-Appellant,

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

-against-

M-1754
Index No. 101705/16

New York City Police Department,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about February 1, 2017, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTERED:



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 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Jairo Jimenez,
Plaintiff,

-against-

M-1758
Index No. 155247/12

Thomas Dominick Gagliano, etc., et al.,
Defendants-Respondents.

-----X
Thomas Dominick Gagliano, as Receiver,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590441/13

Titanium Interiors Construction Corp.,
Third-Party Defendant-Appellant.

(And another action)
-----X

Defendant-third-party plaintiff-respondent Thomas Dominick Gagliano, as Receiver, having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about April 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 May 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Jessica Lorenzen,
Plaintiff-Appellant,

-against-

M-1794
Index No. 154490/12

Jean Francois Allen, 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 17, 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 May 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Jason Tsui,
Plaintiff-Appellant,

-against-

M-2079
Index No. 151614/13

Francois Coislou, 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 24, 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 May 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1404
Ind. No. 861/15

James Corey,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 17, 2017 (M-5911) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 21, 2016, 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, 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. 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 May 18, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

In re Lisa T.,
Petitioner-Respondent,

-against-

King E. T.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-1267

Docket Nos. O-32396/12

O-32396/15C

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 28, 2017 (Appeal Nos. 1960-1961),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of the Family Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:



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 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

Sharif Latouche,
Defendant-Appellant.

M-1185
Bronx County
Docket No. 2013BX044148

-----X

Defendant-appellant, by assigned counsel, having moved for an order transferring the appeal from the judgment of the Supreme Court, Bronx County, entered on or about October 7, 2014, from the Appellate Term of the Supreme Court, First Department, to 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 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 May 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzairelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

-against-

M-1515
Ind. No. 571/15

Maurice Robinson,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 22, 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 to the extent of deeming the notice of appeal timely filed.

ENTERED:



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 18, 2017.

PRESENT - Hon: Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

-against-

M-1681
Ind. No. 4594/11

Maggie Elbiaz,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 1, 2013,

And defendant-appellant having moved for an order dismissing the appeal as moot,

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.

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 18, 2017.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

-against-

M-1708
2016BX006864

Grevelle Bartley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 9, 2017, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for continuation of the stay of execution of sentence and bail pending appeal, granted by a Justice of this Court on March 13, 2017, 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 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) 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 stay of execution of the sentence and bail is granted on the original terms and conditions, and on further condition that the appeal is perfected for the September 2017 Term of this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

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 18, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber
Ellen Gesmer, Justices.

-----X

In re Gilbert Diaz,
Petitioner,

-against-

M-1058
Ind. No. 453/11

Hon. Arlene Goldberg, etc., et al.,
Respondents.

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on January 17, 2017 (Appeal No. 2779/M-6164), and for other relief,

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

It is ordered that the motion is denied.

ENTERED:



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 18, 2017.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York
ex rel. Pedro Hernandez,
Petitioner-Appellant,

M-1688

-against-

Index No. 250138/17

Warden of Robert N. Davoren Center,
Riker's Island, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 17, 2017, which denied petitioner's writ of habeas corpus,

And an order of a Justice of this Court, dated March 22, 2017, having denied an interim reduction of petitioner's bail pending hearing and determination of said bail application by a full bench,

And petitioner-appellant having moved for an order releasing him from jail on his own recognizance, or for a reduction of bail,

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.

ENTERED:


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 18, 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-410
Ind. No. 2615/08

Jeffrey Wilson,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on April 28, 2016 (Appeal No. 975), unanimously affirming a judgment of the Supreme Court, Bronx County, rendered on July 23, 2013,

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 May 18, 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-885
Ind. No. 1348/06

Albert Javier,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 14, 2015 (Appeal No. 15105-15105A), unanimously modifying a judgment of the Supreme Court, New York County, rendered on January 16, 2007, as amended January 25, 2011,

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 May 18, 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-1486
Ind. No. 407/16

Rafael Polo,
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 28, 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 May 18, 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-1876
Ind. No. 1159/15

Gilberto Cruz-Perez,
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 15, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 18, 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,

CONFIDENTIAL

M-2122

-against-

Ind. No. 2066/75

Arsenio Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Efrain Alvarado, J.), entered on or about March 3, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the

transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 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-2180
Ind. No. 3907/14

Wilfredo Nieves,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 16, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 17, 2017, and due deliberation having been had thereon,

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

ENTERED:



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 18, 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-2206
Ind. No. 1503/15

Casheem Gibson,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 10, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 13, 2017, and due deliberation having been had thereon,

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

ENTERED:



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 18, 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-1484
Ind. No. 3241/16

Erick Moran,
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 February 9, 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

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 18, 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-1490
Ind. No. 3936/15

Larry Rojas,
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 February 16, 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:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written above a horizontal line.

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 18, 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,

CONFIDENTIAL

M-2072

-against-

Ind. No. 23/17

Torrey Gibbs,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Michael Gross, J.), entered on or about March 6, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Gross as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Esq., without charge, the transcripts

to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 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,

CONFIDENTIAL

M-2117

-against-

Ind. No. 4568/09

Guillermo Cisernos,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Bonnie Wittner, J.), entered on or about March 29, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the

transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 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,

CONFIDENTIAL

M-2120

-against-

Ind. No. 99012/17

Edwin Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Raymond Bruce, J.), entered on or about March 24, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the

transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

In re Mermaid Marine, Ltd.,
Petitioner-Appellant,

-against-

M-1823

Index No. 651789/15

Maritime Capital Management Partners,
Ltd.,

Respondent-Respondent.

-----X

Petitioner-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 February 14, 2017 (Appeal No. 3084),

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 18, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X

Robert Shapiro,

Plaintiff-Appellant,

-against-

Gabriel Ettenson, et al.,

Defendants-Respondents.
-----X

M-1480

Index No. 653571/14

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 2, 2015,

And a decision and order of this Court having been entered on January 24, 2017 (Appeal No. 2849), modifying the aforesaid order of the Supreme Court, entered on or about September 2, 2015,

And an order of this Court having been entered on April 11, 2017 (M-945), denying plaintiff's motion for reargument or, in the alternative, leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court, entered on January 24, 2017 (Appeal No. 2849),

And plaintiff having moved for a preliminary injunction pending determination the aforesaid order of this Court entered on April 11, 2017 (M-945),

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 moot. (See the order of this Court entered on April 11, 2017 [M-945].)

ENTERED:


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 18, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----x
Eve Demian,

Plaintiff-Appellant,

-against-

M-1222

Index No. 151515/14

Stephanie Calmenson,

Defendant-Respondent.
-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 14, 2016, and from the judgment of said Court, entered on or about August 1, 2016, and said appeals having been perfected,

And defendant-respondent having moved for leave to strike a letter from plaintiff's counsel to Hon. Robert R. Reed, dated November 4, 2015, and to adjourn 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 to the extent of directing plaintiff-appellant to remove pp. 360-362 from the copies of the record on appeal filed with this Court. The motion, to the extent it seeks adjournment of the appeals, is denied as academic.

ENTERED:



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 18, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

CONFIDENTIAL

M-1455

Ind. No. 1983/00

Devrol Palmer,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 16, 2017 (M-332) assigning Rosemary Herbert, Esq., as counsel to prosecute defendant's appeal from the order of the Supreme Court, Bronx County, entered on or about January 27, 2016; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Rosemary Herbert, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688, 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 May 18, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

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

Respondent,

-against-

Martin Paulino,

Defendant-Appellant.

M-1489

Ind. Nos. 721/16

2764/16

4835/16

4836/16

4995/15

-----X

Defendant 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 January 23, 2017, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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 May 18, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

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

Respondent,

-against-

Anthony Ciscuolo,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-1539

Ind. No. 2055/13

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2014,

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 November 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 May 18, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----x
In the Matter of the Application of
Elias Hernandez,
Petitioner-Respondent,

For an Order Summarily Vacating,
Canceling and Discharging of Record
Alleged Notice of Lien, dated 8/14/13,
etc.,

M-1548
Index No. 24524/14E

-against

Department of Housing Preservation and
Development of the City of New York,
Respondent-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 13, 2016,

And petitioner-respondent having moved for an enlargement of time to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2017 Term and continuing the relief granted by an order of this Court on October 20, 2016 (M-4115) on all conditions stated therein, and on further condition that the appeal is perfected for said Term, or that a further enlargement has been timely sought.

ENTERED:



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 18, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X

In re Almira Beatty,
Petitioner-Appellant,

-against-

M-1760
Index No. 652103/14

City of New York, et al.,
Respondents-Respondents.

-----X

Respondents-respondents having moved for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 2, 2017 (Appeal No. 3043),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order and judgment (one paper) of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:



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 18, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
Reed Smith LLP,
Plaintiff-Respondent,

-against-

M-1962
Index No. 654213/12

Leed HR, LLC, et al.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 22, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTERED:



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 18, 2017.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
In the Matter of

Angelicah Krystal U.,
Ahzahriah Bahar-Zawach U.,
"No Given Name" A.,

CONFIDENTIAL
M-2045A

Docket Nos. B-36968/15
B-36969/15
B-44143/15

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

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

Reggie U.,
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 26, 2017 (M-6042), granting respondent-appellant father poor person relief and assigning Larry Bachner, Esq., as counsel for purposes of prosecuting two appeals taken from three orders of the Family Court, New York County, all entered on or about October 21, 2016,

And, assigned counsel, Larry Bachner, Esq., having moved, inter alia, to be relieved as appellate counsel,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Larry S. Bachner, Esq. dated April 26, 2017, and due deliberation having been had thereon, it is

Ordered that the motion is denied. (The order of this Court entered on May 11, 2017 [M-2045], is hereby recalled and vacated.)

ENTERED:



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 18, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X
Lukasz Gottwald, presently known as,
Dr. Luke, Kasz Money, Inc. and
Prescription Songs, LLC,
Plaintiffs-Respondents,

-against-

Kesha Rose Sebert, presently known as
Kesha,
Defendant-Appellant. M-1436
Index No. 653118/14

-----X
Kesha Rose Sebert, presently known as
Kesha,
Counterclaim Plaintiff-Appellant,

-against-

Lukasz Gottwald, presently known as
Dr. Luke, Kasz Money, Inc. and
Prescription Songs, LLC, Kemosabe
Entertainment, LLC, Kemosabe Records,
LLC, Sony Music Entertainment, and
Does 1-25, inclusive,
Counterclaim Defendants-Respondents.
-----X

Defendant/counterclaim plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 19, 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 to the extent of enlarging the time to perfect the appeal to the October 2017 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 18, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn, Justices.

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

-against-

M-1471
Ind. No. 4977/12

Jermal Perry,
Defendant-Appellant.

-----X

Defendant 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 December 17, 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 deeming the notice of appeal timely filed.

ENTERED:



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 18, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Angela M. Mazzarelli
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1529
Ind. No. 1053/10

Ian Ford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 29, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and to relieve retained counsel, Patrick Higgins, Esq., 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 reproduced 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. The motion to relieve retained counsel Patrick Higgins, Esq. is denied as unnecessary.

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 18, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Marcy L. Kahn, Justices.

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

-against-

Ibrahim D.,
Defendant-Appellant.

SEALED

M-1472
Ind. Nos. 206/15
3401/14

-----X

Defendant-appellant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 17, 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 to the extent of deeming the notice of appeal timely filed.

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 18, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Paul G. Feinman
Ellen Gesmer, Justices.

-----X

Michael Seleman,
Plaintiff-Respondent,

-against-

M-1915
Index No. 101072/11

Barnes & Noble, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved an enlargement of time to perfect the consolidated appeals taken from orders of the Supreme Court, New York County, entered on or about March 29, 2016 and on or about August 16, 2016, respectively,

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 consolidated appeals to the 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 May 18, 2017.

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

-----x
Donald Whitaker, et al.,
Plaintiffs-Respondents,

-against-

M-1967
Index No. 153441/13

Annette Williams,
Defendant-Appellant.
-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 1, 2016, and said appeal having been perfected,

And defendant-appellant having moved to enlarge the record on 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 as academic, said appeal having been dismissed and stricken from this Court's calendar by an order entered on April 20, 2017 (M-456).

ENTERED:



CLERK

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-6168
Ind. No. 5142/96

-against-

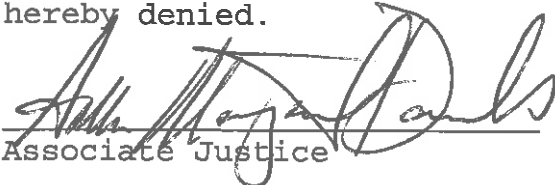
CERTIFICATE
DENYING LEAVE

Richard Rosario,

Defendant.

-----X

I, Sallie Manzanet-Daniels, 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 3, 2016, denying his motion to amend the May 23, 2016 order vacating his judgment of conviction under CPL 440.10(1), is hereby denied.


Associate Justice

Dated: April 27, 2017
New York, New York

ENTERED: **MAY 18 2017**