

**MOTION NO. (121/91) KA 09-01579. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL J. HILL, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: PERADOTTO, J.P., CARNI, GREEN, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**MOTION NO. (1500/04) KA 03-00777. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD J. SORRENTINO, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, LINDLEY, AND PINE, JJ. (Filed July 2, 2010.)

**MOTION NO. (100/06) KA 02-01346. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DONTAE WILLIAMS, DEFENDANT-APPELLANT.** -- Motion to vacate the order denying a motion for a writ of error coram nobis denied. PRESENT: SCUDDER, P.J., LINDLEY, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

**MOTION NO. (1648/06) KA 04-02967. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLEOTIS MERCER, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., MARTOCHE, CENTRA, AND PINE, JJ. (Filed July 2, 2010.)

**MOTION NO. (1116/08) CA 07-02611. -- GLACIAL AGGREGATES LLC, PLAINTIFF-RESPONDENT, V TOWN OF YORKSHIRE, DEFENDANT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., MARTOCHE, SMITH, CENTRA, AND PERADOTTO, JJ. (Filed July 2,

2010.)

**MOTION NO. (238/09) KA 05-01036. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY FOSTER, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: MARTOCHE, J.P., FAHEY, GREEN, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**MOTION NO. (729/09) KA 07-02179. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON L. SCOTT, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: MARTOCHE, J.P., FAHEY, CARNI, AND PINE, JJ. (Filed July 2, 2010.)

**MOTION NO. (233/10) CA 09-01697. -- MICRO-LINK, LLC, PLAINTIFF-RESPONDENT-APPELLANT, V TOWN OF AMHERST, DEFENDANT-APPELLANT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed July 2, 2010.)

**MOTION NO. (325/10) TP 09-01934. -- IN THE MATTER OF IDELLA ABRAM, PETITIONER, V NEW YORK STATE DIVISION OF HUMAN RIGHTS, CITY OF BUFFALO AND BUFFALO POLICE DEPARTMENT, RESPONDENTS.** -- Motion for reargument or leave to appeal to the Court of Appeals dismissed as untimely. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ. (Filed July 2, 2010.)

**MOTION NO. (498/10) CA 09-01787. -- IN THE MATTER OF THE JUDICIAL**

SETTLEMENT OF FINAL ACCOUNT OF MANUFACTURERS AND TRADERS TRUST COMPANY,  
PETITIONER-RESPONDENT-APPELLANT, AS EXECUTOR UNDER LAST WILL AND TESTAMENT  
OF JOHN CLARKE ADAMS. PETER ADAMS AND CYNTHIA ADAMS, INDIVIDUALLY AND AS  
TESTAMENTARY TRUSTEES OF THEIR CHILDREN ARMAND ADAMS AND MAXINE ADAMS, AND  
MARC ADAMS, RESPONDENTS-APPELLANTS-RESPONDENTS. -- Motion for reargument  
denied. PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, AND PINE, JJ. (Filed  
July 2, 2010.)

MOTION NO. (518/10) CA 09-01531. -- TRACI BUTLER, PLAINTIFF-APPELLANT, V  
STAGECOACH GROUP, PLC, COACH USA, INC., INDIVIDUALLY AND DOING BUSINESS AS  
COACH CANADA, INC., TRENTWAY-WAGAR, INC., ERIE COACH LINES COMPANY, RYAN A.  
COMFORT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL NO. 1.) --  
Motion for reargument denied. Leave to appeal to the Court of Appeals  
granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed  
July 2, 2010.)

MOTION NO. (519/10) CA 09-01532. -- TRACI BUTLER, PLAINTIFF-APPELLANT, V  
STAGECOACH GROUP, PLC, ET AL., DEFENDANTS, J&J HAULING, INC., JOSEPH R.  
FRENCH, INDIVIDUALLY AND DOING BUSINESS AS J&J TRUCKING, INC., AND/OR J&J  
HAULING, INC., AND PAMELA ZEISET, AS ADMINSTRATRIX OF THE ESTATE OF ERNEST  
D. ZEISET, JR., DECEASED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) --  
Motion for reargument denied. Leave to appeal to the Court of Appeals  
granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed  
July 2, 2010.)

MOTION NO. (520/10) CA 09-01534. -- COURTNEY COWAN, KELLY COWAN AND BRIAN

COWAN, PLAINTIFFS-APPELLANTS, V STAGECOACH GROUP, PLC, COACH USA, INC., INDIVIDUALLY AND DOING BUSINESS AS COACH CANADA, INC., TRENTWAY-WAGAR, INC., ERIE COACH LINES COMPANY, RYAN A. COMFORT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL NO. 3.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (521/10) CA 09-01535. -- COURTNEY COWAN, KELLY COWAN AND BRIAN COWAN, PLAINTIFFS-APPELLANTS, V STAGECOACH GROUP, PLC, ET AL., DEFENDANTS, J&J HAULING, INC., JOSEPH R. FRENCH, INDIVIDUALLY AND DOING BUSINESS AS J&J TRUCKING, INC., AND/OR J&J HAULING, INC., AND PAMELA ZEISET, AS ADMINSTRATRIX OF THE ESTATE OF ERNEST D. ZEISET, JR., DECEASED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 4.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (522/10) CA 09-01537. -- MEAGAN GODWIN, CARRIE LONG AND CARLEIGH WELDON, PLAINTIFFS-APPELLANTS, V STAGECOACH GROUP, PLC, COACH USA, INC., INDIVIDUALLY AND DOING BUSINESS AS COACH CANADA, INC., TRENTWAY-WAGAR, INC., ERIE COACH LINES COMPANY, RYAN A. COMFORT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL NO. 5.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (523/10) CA 09-01538. -- MEAGAN GODWIN, CARRIE LONG AND CARLEIGH WELDON, PLAINTIFFS-APPELLANTS, V STAGECOACH GROUP, PLC, ET AL., DEFENDANTS,

J&J HAULING, INC., JOSEPH R. FRENCH, INDIVIDUALLY AND DOING BUSINESS AS J&J TRUCKING, INC., AND/OR J&J HAULING, INC., AND PAMELA ZEISET, AS ADMINSTRATRIX OF THE ESTATE OF ERNEST D. ZEISET, JR., DECEASED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 6.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (527/10) CA 09-01547. -- SHEILA ELIZABETH EDWARDS, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF RICHARD F. EDWARDS, DECEASED, AND AS ADMINISTRATRIX OF THE ESTATE OF BRIAN EDWARDS, DECEASED, KELLY ELIZABETH EDWARDS, JANNA MARIE DESMARAIS, ROBERT JOSEPH DESMARAIS, TRACY LYNN DESMARAIS, JENNA M. UNDERWOOD, PATRICIA UNDERWOOD, DONALD UNDERWOOD, CARLY A. LABADIE, GUY P. LABADIE, NANCY LABADIE, MICHAEL W. COWAN, TORY J. GAULT, RANDY MICHAEL PAGEAU, LINDA JEAN PAGEAU, JASON P. MAILLOUX, MARCEL MAILLOUX, LOU-ANN MAILLOUX, TIFFANY STROUD, GARY LANGILL, AND CARRIE LANGILL, PLAINTIFFS-APPELLANTS, V ERIE COACH LINES COMPANY, COACH CANADA, INC., TRENTWAY-WAGAR, INC., RYAN A. COMFORT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL NO. 10.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (528/10) CA 09-01548. -- SHEILA ELIZABETH EDWARDS, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF RICHARD F. EDWARDS, DECEASED, AND AS ADMINISTRATRIX OF THE ESTATE OF BRIAN EDWARDS, DECEASED, KELLY ELIZABETH EDWARDS, JANNA MARIE DESMARAIS, ROBERT JOSEPH DESMARAIS, TRACY LYNN DESMARAIS, JENNA M. UNDERWOOD, PATRICIA UNDERWOOD, DONALD UNDERWOOD, CARLY

A. LABADIE, GUY P. LABADIE, NANCY LABADIE, MICHAEL W. COWAN, TORY J. GAULT, RANDY MICHAEL PAGEAU, LINDA JEAN PAGEAU, JASON P. MAILLOUX, MARCEL MAILLOUX, LOU-ANN MAILLOUX, TIFFANY STROUD, GARY LANGILL, AND CARRIE LANGILL, PLAINTIFFS-APPELLANTS, V ERIE COACH LINES COMPANY, ET AL., DEFENDANTS, J&J TRUCKING, J&J HAULING, INC., JOSEPH R. FRENCH, AND PAMELA ZEISET, AS ADMINISTRATRIX OF THE ESTATE OF ERNEST D.ZEISET, JR., DECEASED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 11.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ. (Filed July 2, 2010.)

MOTION NO. (547/10) CA 09-02327. -- JUSTIN W. FRANCIS, PLAINTIFF-APPELLANT, V SUSANNE FRANCIS, DEFENDANT-RESPONDENT. -- Motion for reargument denied. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND PINE, JJ. (Filed July 2, 2010.)

KA 09-01860. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TOMMY BRINSON, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Wayne County Court, Dennis Kehoe, J. - Felony Driving While Intoxicated). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

KA 09-00817. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY CASSATA, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Livingston County Court, Robert B.

Wiggins, J. - Forgery, 2nd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 09-01486. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEPHEN CAVITT, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Steuben County Court, Joseph William Latham, J. - Grand Larceny, 4th Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 10-01217. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEPHEN CAVITT, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Steuben County Court, Joseph William Latham, J. - Violation of Probation). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 09-00299. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EULESE N. CRUZ, ALSO KNOWN AS MARCO AGUAY, DEFENDANT-APPELLANT.** -- The case is held, the decision is reserved, the motion to relieve counsel of assignment is granted and new counsel is to be assigned. Memorandum: Defendant was convicted upon his *Alford* plea of attempted robbery in the first degree (Penal Law §§ 110.00, 160.15 [3]), and upon his guilty plea of criminal sale of a controlled substance in the third degree (Penal Law § 220.39 [1]). Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38). However, our

review of the record reveals the existence of nonfrivolous issues for appeal, specifically, whether County Court erred in denying defendant's motion seeking to suppress the photo array identification of defendant, and whether there was sufficient evidence of guilt in the record to support defendant's *Alford* plea (see *People v Richardson*, 72 AD3d 1578).

Therefore, we relieve counsel of his assignment and assign new counsel to brief these issues, as well as any other issues that counsel's review of the record may disclose. (Appeal from Judgment of Jefferson County Court, Kim Hawn Martusewicz, J. - Attempted Robbery, 1st Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 08-02028. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSE GARCIA, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Oneida County Court, Michael L. Dwyer, J. - Criminal Sale of a Controlled Substance, 3rd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 08-02680. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID W. JOHNSON, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Ontario County Court, Craig J. Doran, J. - Criminal Sale of a Controlled Substance, 3rd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2,



2010.)

**KA 07-01785. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN RANSOM, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Monroe County Court, Patricia D. Marks, J. - Violation of Probation). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 08-01762. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CONSUALO T. SANDERS, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Ontario County Court, Craig J. Doran, J. - Violation of Probation). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 07-01860. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SUSAN SILVER, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Monroe County Court, Patricia D. Marks, J. - Violation of Probation). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2, 2010.)

**KA 09-00643. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MATTHEW L. TOWNSEND, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Oneida County

Court, Barry M. Donalby, J. - Manslaughter, 1st Degree). PRESENT:  
SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed July 2,  
2010.)