

MOTION NO. (1776/88) KA 10-02097. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ADRIAN JACKSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (288/94) KA 10-01190. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHARLIE MIXON, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (116/98) KA 00-02917. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN STAUFFER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (926/06) KAH 04-02987. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. FRANK PRUITT, PETITIONER-APPELLANT, V ANTHONY ZON, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT. -- Motion for renewal denied. PRESENT: SCUDDER, P.J., MARTOCHE, CENTRA, LINDLEY, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (327/07) KA 00-00725. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V JONATHAN CARTER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PINE, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (911/08) KA 04-00435. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TIMOTHY R. THOMAS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NOS. (1424-1426/09) KA 08-01903, KA 08-01904, AND KA 08-01905. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DORIAN FACEN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: MARTOCHE, J.P., SMITH, CARNI, AND PINE, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (651/10) CA 09-02359. -- JENNIFER D. MARTINO, PLAINTIFF-RESPONDENT, V MICHAEL A. STOLZMAN, DEFENDANT-RESPONDENT, MICHAEL OLIVER AND SUSAN OLIVER, DEFENDANTS-APPELLANTS. (ACTION NO. 1.) JUDITH A. ROST, PLAINTIFF-RESPONDENT, V MICHAEL A. STOLZMAN, JENNIFER D. MARTINO, GINA L. AVINO, DEFENDANTS-RESPONDENTS, MICHAEL OLIVER AND SUSAN OLIVER, DEFENDANTS-APPELLANTS. (ACTION NO. 2.) -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: MARTOCHE, J.P., SMITH, FAHEY, PERADOTTO, AND GREEN, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (935/10) CA 09-02509. -- THOMAS J. TRZASKA AND DARLENE M. TRZASKA, PLAINTIFFS-APPELLANTS, V ALLIED FROZEN STORAGE, INC., DEFENDANT. W.C.S. OF NEW YORK, INC., RESPONDENT. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., MARTOCHE, PERADOTTO, GREEN, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (944/10) CA 10-00614. -- DOUGLAS J. CURELLA AND DARLENE CURELLA, PLAINTIFFS-RESPONDENTS, V TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT AND DAVID M. PETRIE, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: MARTOCHE, J.P., CENTRA, CARNI, LINDLEY, AND GREEN, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (990/10) CA 09-02290. -- CHRISTINA L. HERDENDORF, PLAINTIFF-RESPONDENT, V GEICO INSURANCE COMPANY, DEFENDANT-APPELLANT. CHRISTINA L. HERDENDORF, PLAINTIFF-RESPONDENT, V JESSE JANSKY AND GEICO INSURANCE COMPANY, DEFENDANTS-APPELLANTS. -- Motion for reargument denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1003/10) TP 09-01922. -- IN THE MATTER OF ROBIN DINATALE, PETITIONER, V NEW YORK STATE DIVISION OF HUMAN RIGHTS, GALEN D. KIRKLAND, COMMISSIONER, NEW YORK STATE DIVISION OF HUMAN RIGHTS, NEW YORK STATE

INSURANCE FUND, NEW YORK STATE DEPARTMENT OF CIVIL SERVICE, AND NEW YORK STATE OFFICE OF STATE COMPTROLLER, DEPARTMENT OF AUDIT AND CONTROL, RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND PINE, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1008/10) CA 10-00507. -- ROBERT BAKER AND DARLENE BAKER, INDIVIDUALLY AND AS ADMINISTRATORS OF THE ESTATE OF DOMINICK BAKER, DECEASED, PLAINTIFFS-RESPONDENTS, V COUNTY OF OSWEGO, DEFENDANT-APPELLANT, CARL F. ERIKSON AND DEBRA L. ERIKSON, AS PARENTS AND NATURAL GUARDIANS OF JOHN M. ERIKSON, AN INFANT, AND THERESA L. PROCTOR, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND PINE, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1044/10) TP 10-00767. -- IN THE MATTER OF SANDRA BOWLER, PETITIONER, V NEW YORK STATE DIVISION OF HUMAN RIGHTS AND NIAGARA COUNTY, RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: MARTOCHE, J.P., CARNI, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1050/10) CA 10-00225. -- TRISHA BROWN, INDIVIDUALLY AND AS CO-EXECUTOR OF THE ESTATE OF LOYOLA MCCORMICK, DECEASED, AND GREG

MCCORMICK, INDIVIDUALLY AND AS CO-EXECUTOR OF THE ESTATE OF LOYOLA
MCCORMICK, DECEASED, PLAINTIFFS-RESPONDENTS, V ARNOT MEDICAL CENTER, ET
AL., DEFENDANTS, AND KEVIN D. O'SHEA, M.D., DEFENDANT-APPELLANT. -- Motion
for reargument denied. PRESENT: MARTOCHE, J.P., CARNI, GREEN, PINE, AND
GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1053/10) CA 10-00136. -- LAIDLAW ENERGY AND ENVIRONMENTAL,
INC., PETITIONER-APPELLANT, V TOWN OF ELLICOTTVILLE, TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS, JOHN E. KRAMER, IN HIS CAPACITY AS CHAIR OF TOWN
OF ELLICOTTVILLE ZONING BOARD OF APPEALS, CYNTHIA DAYTON, IN HER CAPACITY
AS CO-CHAIR OF TOWN OF ELLICOTTVILLE ZONING BOARD OF APPEALS, ALAN ADAMS,
JOHN E. CADY, AND NORMAN WINKLER, IN THEIR RESPECTIVE CAPACITIES AS MEMBERS
OF TOWN OF ELLICOTTVILLE ZONING BOARD OF APPEALS, RESPONDENTS-RESPONDENTS.
-- Motion for leave to appeal to the Court of Appeals denied. PRESENT:
MARTOCHE, J.P., CARNI, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1079/10) CA 10-00094. -- IN THE MATTER OF THE ARBITRATION
BETWEEN NEW YORK STATE NURSES ASSOCIATION, INC, PETITIONER-RESPONDENT, AND
COUNTY OF ERIE, RESPONDENT-APPELLANT. -- Motion for leave to appeal to the
Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO,
SCONIERS, AND PINE, JJ. (Filed Dec. 30, 2010.)

MOTION NO. (1079.1/10) CA 10-00776. -- IN THE MATTER OF THE STATE OF NEW

YORK, PETITIONER-APPELLANT, V DANIEL FLAGG, RESPONDENT-RESPONDENT. --

Motion insofar as it seeks reargument or leave to appeal to the Court of Appeals denied. Motion insofar as it seeks to amend the record granted.

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, SCONIERS, AND PINE, JJ. (Filed Dec. 30, 2010.)

KA 09-01881. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARCOS GOMEZ, ALSO KNOWN AS MARCOS J. GOMEZ, ALSO KNOWN AS MARCOS JUAN GOMEZ, ALSO KNOWN AS JUAN MERCED, 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 Genesee County Court, Robert C. Noonan, J. - Attempted Robbery, 2nd Degree).

PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

CAF 10-00544. -- IN THE MATTER OF MARQUITA HARPER, PETITIONER-RESPONDENT, V MILTON BURKE, RESPONDENT-APPELLANT. -- Order unanimously affirmed.

Counsel's motion to be relieved of assignment granted (*see Matter of Jordan S.*, 179 AD2d 1091). (Appeal from Order of Family Court, Onondaga County (Michelle Pirro Bailey, J. - Wilful Violation)).

PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

KA 08-01987. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RAYMOND E. HILL, 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, Stephen T. Miller, A.J. - Attempted Burglary, 2nd Degree). PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

KA 08-00481. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES B. METALES, 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, Stephen T. Miller, A.J. - Attempted Robbery, 2nd Degree). PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

KA 09-00298. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERIC G. SCHWABLE, DEFENDANT-APPELLANT. -- Appeal dismissed as moot. Counsel's motion to be relieved of assignment granted. (Appeal from Judgment of Genesee County Court, Robert C. Noonan, J. - Burglary, 2nd Degree). PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec. 30, 2010.)

KA 09-02481. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JEREMY YANTZ, ALSO KNOWN AS JEREMY S. YANTZ, 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 Genesee County Court, Robert C. Noonan, J. - Violation of Probation).

PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ. (Filed Dec.
30, 2010.)