

MOTION NO. (1228/86) KA 11-01054. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID BURR, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND GREEN, JJ. (Filed July 1, 2011.)

MOTION NO. (553/94) KA 11-01141. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KENT A. KROEMER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, GREEN, AND MARTOCHE, JJ. (Filed July 1, 2011.)

MOTION NO. (1118/99) KA 97-02098. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JEROLD LAMONT USHER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, CENTRA, PERADOTTO, AND GREEN, JJ. (Filed July 1, 2011.)

MOTION NOS. (2087-2089/00) KAH 99-05676. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. DAVID BURR, PETITIONER-APPELLANT, V HONORABLE FRANK J. CLARK, III, ERIE COUNTY DISTRICT ATTORNEY, RESPONDENT-RESPONDENT. (APPEAL NO. 1.) KAH 99-05677. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. DAVID BURR, PETITIONER-APPELLANT, V HONORABLE FRANK J. CLARK, III, ERIE COUNTY DISTRICT ATTORNEY, RESPONDENT-RESPONDENT. (APPEAL NO. 2.) KAH 99-05678. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. DAVID BURR, PETITIONER-APPELLANT, V HONORABLE JOHN A. DILLON, ERIE COUNTY COURT JUDGE, ET AL.,

RESPONDENTS-RESPONDENTS. (APPEAL NO. 3.) -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND GREEN, JJ. (Filed July 1, 2011.)

MOTION NO. (1140/09) KA 06-01297. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EUGENE KIMBROUGH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, AND GORSKI, JJ. (Filed July 1, 2011.)

MOTION NO. (1585/09) KA 07-02429. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V AHMIR COLE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, AND LINDLEY, JJ. (Filed July 1, 2011.)

MOTION NO. (995/10) KA 08-02649. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONALD BRINK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND SCONIERS, JJ. (Filed July 1, 2011.)

MOTION NO. (1534.1/10) CA 10-01116. -- WALTER R. BAKOS, PLAINTIFF-RESPONDENT, V NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed July 1, 2011.)

MOTION NOS. (103-104/11) KA 07-00779. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BENJAMIN RIVERA, DEFENDANT-APPELLANT. (APPEAL NO. 1.) KA 08-00201. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BENJAMIN RIVERA, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, GREEN, AND GORSKI, JJ. (Filed July 1, 2011.)

MOTION NO. (313/11) CA 10-01673. -- MARLINO GRESS, MAURICE HOWIE, TIMOTHY M. JOHNSON AND ABRAHAM MCKINNEY, ON BEHALF OF THEMSELVES AND ALL OTHER SIMILARLY SITUATED PERSONS, PLAINTIFFS-RESPONDENTS, V BYRON BROWN, AS MAYOR, CITY OF BUFFALO, AND BUFFALO FISCAL STABILITY AUTHORITY, DEFENDANTS-APPELLANTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND GORSKI, JJ. (Filed July 1, 2011.)

MOTION NO. (404/11) CA 10-02274. -- JOHN F. SMITH AND LISA SMITH, PLAINTIFFS-RESPONDENTS, V MARIJANE REILLY, DEFENDANT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND GREEN, JJ. (Filed July 1, 2011.)

MOTION NO. (447/11) CA 10-01296. -- NICOLE HERNANDEZ, AS ADMINISTRATRIX OF THE ESTATE OF CHARLES M. LEE, JR., DECEASED, AND AS PARENT AND NATURAL GUARDIAN OF THE PERSON AND PROPERTY OF MATTHEW LEE, AN INFANT,

PLAINTIFF-APPELLANT, V TOWN OF HAMBURG, MARK O. PATTON, INDIVIDUALLY AND DOING BUSINESS AS PATTON PLUMBING, MCALLISTER PLUMBING & HEATING, INC., AND SAED INC., DOING BUSINESS AS DOCTOR BACKFLOW PLUMBING, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, LINDLEY, GREEN, AND GORSKI, JJ. (Filed July 1, 2011.)

MOTION NO. (489/11) KA 11-00007. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BENEDICT AGOSTINI, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, SCONIERS, AND MARTOCHE, JJ. (Filed July 1, 2011.)

MOTION NO. (503/11) CA 10-02496. -- IN THE MATTER OF THE ARBITRATION BETWEEN ERIE INSURANCE COMPANY, PETITIONER-RESPONDENT, AND JOSHUA BOSS, RESPONDENT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, SCONIERS, AND MARTOCHE, JJ. (Filed July 1, 2011.)

MOTION NO. (557/11) CA 10-01745. -- ALTSHULER SHAHAM PROVIDENT FUNDS, LTD., PLAINTIFF-APPELLANT, V GML TOWER LLC, ET AL., DEFENDANTS, THE PIKE COMPANY, INC., THE HAYNER HOYT CORPORATION AND SYRACUSE MERIT ELECTRIC, A DIVISION OF O'CONNELL ELECTRIC CO., INC., DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J.,

CENTRA, SCONIERS, AND GREEN, JJ. (Filed July 1, 2011.)

MOTION NO. (587.1/11) CA 11-00157. -- EUGENE MARGERUM, ANTHONY HYNES, JOSEPH FAHEY, TIMOTHY HAZELET, PETER KERTZIE, PETER LOTOCKI, SCOTT SKINNER, THOMAS J. REDDINGTON, TIMOTHY CASSEL, MATTHEW S. OSINSKI, MARK ABAD, BRAD ARNONE, AND DAVID DENZ, PLAINTIFFS-RESPONDENTS, V CITY OF BUFFALO, CITY OF BUFFALO DEPARTMENT OF FIRE, AND LEONARD MATARESE, INDIVIDUALLY AND AS COMMISSIONER OF HUMAN RESOURCES FOR CITY OF BUFFALO, DEFENDANTS-APPELLANTS.

-- Motion for reargument or leave to appeal to the Court of Appeals denied.

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

(Filed July 1, 2011.)

KA 10-01469. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HELEN A. THOMAS, 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 Erie County Court, Michael F. Pietruszka, J. - Unauthorized Use of a Vehicle, 3rd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND GREEN, JJ. (Filed July 1, 2011.)

KA 08-01756. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ADDIS WOLDEGUIORGUIS, 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 Supreme Court, Monroe County, Patricia D. Marks, A.J. - Petit Larceny). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, GREEN, AND MARTOCHE, JJ. (Filed July 1, 2011.)