

MOTION NO. (511/89) KA 09-01741. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NATHANIEL PITTMAN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, CURRAN, AND TROUTMAN, JJ. (Filed Mar. 19, 2021.)

MOTION NOS. (153-154/96) KA 05-01122. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER YOUNG, DEFENDANT-APPELLANT. (APPEAL NO. 1.) KA 05-01123. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER YOUNG, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, LINDLEY, AND BANNISTER, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (574/01) KA 99-05272. -- THE PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V JOSHUA KEPPEL, DEFENDANT-APPELLANT. -- Motion for reargument dismissed as untimely. PRESENT: SMITH, J.P., CARNI, LINDLEY, TROUTMAN, AND BANNISTER, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, WINSLOW, AND BANNISTER, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (6/16) KA 15-00472. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANCIS FINSTER, DEFENDANT-APPELLANT. -- Motion for writ of

error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (443/16) KA 13-02199. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALEXANDER S. VANVLEET, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CARNI, NEMOYER, TROUTMAN, AND BANNISTER, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (9/17) KA 16-00242. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JEREMY B. NEWTON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (78/19) KA 01-01982. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHONDELL J. PAUL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (105/20) CA 19-00761. -- ALEXANDRA R., ALEXIS R., SR., AS PARENT AND NATURAL GUARDIAN OF ALEXIS R., JR. AND YAMARIS R., AND AS ADMINISTRATOR OF THE ESTATE OF CHRISTIEANN G., AND DEMARIS M., AS GUARDIAN OF JAICOB G. AND JAIDEN G., AND AS ADMINISTRATOR OF THE ESTATE OF LUIS A., JR., DECEASED, PLAINTIFFS-RESPONDENTS, V ERIC J. KRONE, DEFENDANT-APPELLANT, ET AL., DEFENDANTS. (APPEAL NO. 1.) -- Motion for leave to appeal to the

Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (106/20) CA 19-00477. -- JESSICA G., PLAINTIFF-RESPONDENT, V ERIC J. KRONE, DEFENDANT-APPELLANT, ET AL., DEFENDANT. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (107/20) CA 19-00478. -- VANESSA G., AS PARENT AND NATURAL GUARDIAN OF ADRIANNA A., AN INFANT, PLAINTIFF-RESPONDENT, V NELSON A., AS ADMINISTRATOR OF THE ESTATE OF LUIS A. A.-S., DECEASED, ET AL., DEFENDANTS, AND ERIC J. KRONE, DEFENDANT-APPELLANT. (APPEAL NO. 3.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (108/20) CA 19-00755. -- NELSON A., AS ADMINISTRATOR OF THE ESTATE OF LUIS A. A.-S., ALSO KNOWN AS LUIS A., SR., PLAINTIFF-RESPONDENT, V ERIC J. KRONE, DEFENDANT-APPELLANT. (APPEAL NO. 4.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (984/20) CA 19-02156. -- ROBIN HART, AS ADMINISTRATOR OF THE ESTATE OF EIAN CLAYTON BROOKS, DECEASED, PLAINTIFF-RESPONDENT, V COUNTY OF

ERIE, DEFENDANT-APPELLANT, ET AL., DEFENDANT. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (1016/20) KA 18-02268. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL J. HILL, DEFENDANT-APPELLANT. -- Motion for reargument denied and motion for leave to appeal to the Court of Appeals held for determination by a Justice of this Court. PRESENT: CENTRA, J.P., LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 19, 2021.)

MOTION NO. (1181/20) KA 13-01552. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V REGGIE CASWELL, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, WINSLOW, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

KA 19-00080. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL BROADUS, JR., DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [4th Dept 1979]). (Appeal from Judgment of Supreme Court, Erie County, Russell P. Buscaglia, A.J. - Criminal Contempt, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

KA 19-00081. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL BROADUS, JR., DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [4th Dept 1979]). (Appeal from Judgment of Supreme Court, Erie County, Russell P. Buscaglia, A.J. - Criminal Possession Weapon, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

KA 19-01768. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EDGARDO DEVICTOR-LOPEZ, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [4th Dept 1979]). (Appeal from Judgment of Wyoming County Court, Michael M. Mohun, J. - Attempted Assault, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

KA 19-00370. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVON GWIN, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [4th Dept 1979]). (Appeal from Judgment of Wyoming County Court, Michael M. Mohun, J. - Attempted Promoting Prison Contraband, 1st Degree). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH JJ. (Filed Mar. 19, 2021.)

KA 17-00398. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JEFFREY M. MARTIN, 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 guilty plea of aggravated unlicensed operation of a motor vehicle in the second degree (AUO) (Vehicle and Traffic Law § 511 [2] [a] [ii]) and driving while intoxicated (DWI) (§ 1192 [3]). Defendant's sentence on the DWI conviction included a term of imprisonment of 90 days followed by three years of probation with an ignition interlock device requirement for a period of three years. Defendant was sentenced to a one-year conditional discharge on the AUO conviction. Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38 [4th Dept 1979]). We conclude that there are nonfrivolous issues as to whether defendant's plea was knowing, voluntary, and intelligent, concerning whether defendant was advised of the direct consequences of his plea (*see People v Nguyen*, __ AD3d __, 2021 NY Slip Op 00724, *1 [4th Dept 2021]), and as to whether defendant was sentenced on the AUO conviction in violation of CPL 380.40. We therefore 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 Monroe County Court, Stephen T. Miller, A.J. - Aggravated Unlicensed Operation Vehicle, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 19, 2021.)

KA 17-01358. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES A. QUITALDI, DEFENDANT-APPELLANT. Motion to dismiss granted. Memorandum: The matter is remitted to Monroe County Court to vacate the judgment of conviction and dismiss the superior court information (see *People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Mar. 19, 2021.)