

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., SMITH, PERADOTTO, LINDLEY, AND CURRAN, JJ. (Filed Mar. 13, 2020.)

MOTION NOS. (770-771/11) KA 10-00418. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NATHANIEL MYERS, DEFENDANT-APPELLANT. (APPEAL NO. 1.) KA 10-00419. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NATHANIEL MYERS, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, NEMOYER, WINSLOW, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

MOTION NO. (9/12) KA 10-00664. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRANDON DENNIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND NEMOYER, JJ. (Filed Mar. 13, 2020.)

MOTION NO. (336/19) KA 15-02009. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SYLVESTER E. BAXTRUM, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

MOTION NO. (688/19) CA 18-01211. -- J. PATRICK BARRETT, PLAINTIFF-RESPONDENT-APPELLANT, V CHRISTINE R. BARRETT,

**DEFENDANT-APPELLANT-RESPONDENT.** -- Motion for reargument denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Mar. 13, 2020.)

**MOTION NO. (706/19) CA 18-01405.** -- **IN THE MATTER OF JAMES LIEBEL, DOING BUSINESS AS FINGER LAKES WOODWORKS, PETITIONER-APPELLANT, V CITY OF ROCHESTER, RESPONDENT-RESPONDENT, AND EDWARD D'AMICO, RESPONDENT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 13, 2020.)

**MOTION NO. (918/19) CA 19-00309.** -- **PAULINE A. BEAGLE, PLAINTIFF-RESPONDENT, V CITY OF BUFFALO, DEFENDANT-APPELLANT, JOHN GIKAS, SAM GIKAS, MILKIE'S ON ELMWOOD, INC., DEFENDANTS-RESPONDENTS, ET AL., DEFENDANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, WINSLOW, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**MOTION NO. (1026/19) CA 19-00747.** -- **JASON WOOD AND JANEL WOOD, PLAINTIFFS-RESPONDENTS, V THE BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY, DEFENDANT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Mar. 13, 2020.)

**MOTION NO. (1031/19) CA 17-01291.** -- **THE PEOPLE OF THE STATE OF NEW YORK,**

RESPONDENT, V CORDERO RUMPH, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 13, 2020.)

MOTION NO. (1112/19) CA 19-00940. -- LOIS REID, PLAINTIFF-APPELLANT, V UNIVERA HEALTHCARE, EXCELLUS HEALTH PLAN, INC., AND LIFETIME HEALTHCARE, INC., DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND WINSLOW, JJ. (Filed Mar. 13, 2020.)

MOTION NOS. (1141-1143/19) CA 18-01987. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.

(APPEAL NO. 1.) CA 18-01988. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.

(APPEAL NO. 2.) CA 18-01989. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z.,

**PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.**

**(APPEAL NO. 3.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**MOTION NO. (256/20) KA 18-01349. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WENDELL FUQUA, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, TROUTMAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**KAH 19-00823. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. ANTHONY FLOWERS, PETITIONER, V NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT.** -- 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, Wyoming County, Michael M. Mohun, A.J. - Habeas Corpus). PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**KA 17-00188. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JIMMIE D. JOHNSON, 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 Monroe

County Court, Victoria M. Argento, J. - Attempted Burglary, 2nd Degree).

PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**KA 18-00703. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KRISTA SCHULTZ, 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 Supreme Court, Erie County, Christopher J. Burns, J. - Violation of Probation). PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**KA 19-00169. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARTIN WASHINGTON, 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: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**KA 19-00863. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DANIEL WILLIAMS, 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. - Promoting Prison Contraband, 1st Degree). PRESENT:

SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)

**CAF 19-00562 -- IN THE MATTER OF ALIVIA W., RESPONDENT-APPELLANT -- MONROE COUNTY PRESENTMENT AGENCY, PETITIONER-RESPONDENT.** -- Order unanimously affirmed. Counsel's motion to be relieved of assignment granted. (Appeal from Order of Family Court, Monroe County, Joan S. Kohout, J. -- Juvenile Delinquent). PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Mar. 13, 2020.)