

June 26, 2018

**CASES**

No. 83  
The People &c.,  
Respondent,  
v.  
William Harris,  
Appellant.

Order reversed and a new trial ordered, in a memorandum.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

1 No. 81  
West Midtown Management Group, Inc.,  
doing business as West Midtown Medical  
Group,  
Respondent,  
v.  
State of New York, &c.,  
Appellant.

Order reversed, with costs, and judgment of Supreme Court, New York County, reinstated.  
Opinion by Judge Feinman.  
Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia and Wilson concur.

**MOTIONS**

2                    Mo. No. 2018-472  
In the Matter of Zahyre A.

Orange County Department of Social  
Services,  
    Respondent;  
Faye A.,  
    Appellant.  
(And Another Proceeding)

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

1                    Mo. No. 2018-489  
In the Matter of Talib W. Abdur-Rashid,  
    Appellant,  
    v.  
New York City Police Department, et al.,  
    Respondents.

Motion for reargument denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

-----  
In the Matter of Samir Hashmi,  
    Appellant,  
    v.  
New York City Police Department, et al.,  
    Respondents.

2                    SSD 33  
The People &c. ex rel. Alty Adamson,  
    Appellant,  
    v.  
Thomas Griffin,  
    Respondent.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the order appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

1                    Mo. No. 2018-428  
In the Matter of Lisa B.,  
                  Appellant,  
          v.  
Bruce C.,  
                  Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2018-466  
In the Matter of Josh Brown,  
                  Appellant,  
          v.  
Barry Kron, &c.,  
                  Respondent.

Motion for leave to appeal denied.

2                    Mo. No. 2018-229  
The People &c.,  
                  Respondent,  
          v.  
Stephen J. Butler, Jr.,  
                  Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2018-464  
In the Matter of Aryn C.  
  
Erie County Department of Social Services,  
                  Respondent;  
Chelsea K.,  
                  Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2018-512  
In the Matter of Cleavon Clark, III,  
                  Respondent,  
          v.  
Monica D. Kittles,  
                  Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2018-618  
The People &c.,  
Respondent,  
v.  
Ralph Ben Cotto,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2018-415  
The People &c.,  
Appellant,  
v.  
Dwight R. DeLee,  
Respondent.

Motion for reargument denied.

4 Mo. No. 2018-321  
In the Matter of Dwight DeLee,  
Appellant,  
v.  
John J. Brunetti, &c. et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-494  
In the Matter of Messiah G., &c.,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

1 Mo. No. 2018-596  
The People &c.,  
Respondent,  
v.  
Tamarkqua Garland,  
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

2                    SSD 34  
In the Matter of Amy R. Gurvey,  
                          Appellant,  
                          v.  
Rolando T. Acosta, &c.,  
                          Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved. Chief Judge DiFiore took no part.

4                    Mo. No. 2018-480  
Janet M. Hines,  
                          Appellant,  
                          v.  
Joshua J. Hines,  
                          Respondent.  
(And Two Related Proceedings)

Motion for leave to appeal denied.

4                    SSD 41  
In the Matter of Leroy Johnson,  
                          Appellant,  
                          v.  
Stewart Eckert, &c.,  
                          Respondent.

Appeal, insofar as taken from the November 2017 Appellate Division judgment, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal, insofar as taken from the March 2018 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

3                    SSD 39  
Naomi R. Johnston,  
                          Appellant,  
                          v.  
Matthew W. Johnston,  
                          Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

4 Mo. No. 2018-485  
In the Matter of Bonfrida F. Kakwaya,  
Respondent,  
v.  
Joseph Twinamatsiko,  
Appellant,  
et al.,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2018-527  
In the Matter of Leon R. Koziol, &c.,  
Appellant,  
v.  
Janet DiFiore, &c., et al.,  
Respondents.

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.  
Chief Judge DiFiore and Judge Stein took no part.

1 Mo. No. 2018-449  
The People &c.,  
Respondent,  
v.  
Ponce Lopez,  
Appellant.

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

4 Mo. No. 2018-424  
In the Matter of Aliyah M.  
Erie County Department of Social Services,  
Respondent;  
Lynnise M.,  
Appellant,  
et al.,  
Respondent.  
(And Six Other Proceedings)

Motion for leave to appeal denied.  
Motion for poor person relief dismissed as academic.

2 Mo. No. 2018-572  
The People &c.,  
Respondent,  
v.  
David Mendoza,  
Appellant.

Motion for assignment of counsel granted and Paul Skip Laisure, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2018-604  
In the Matter of Terrence C. O'Connor, a  
Judge of the Civil Court of the City of New  
York, Queens County.

Motion pursuant to section 530.3 of the Rules (22 NYCRR § 530.3) for permission to proceed on an original of the record for review and an original and nine copies of an appendix granted.

Terrence C. O'Connor,  
Petitioner;  
New York State Commission on Judicial  
Conduct,  
Respondent.

2 Mo. No. 2018-500  
The People &c.,  
Respondent,  
v.  
Marquis Phillips,  
Appellant.

Motion for leave to appeal denied.

1 SSD 36  
The People &c. ex rel. Jose Ramirez,  
Appellant,  
v.  
Joseph Aponte, &c., et al.,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1 SSD 37  
In the Matter of Jose Joaquin Ramirez,  
Appellant,  
v.  
George Grasso &c.,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

2                    Mo. No. 2018-478  
The People &c. ex rel. Cory Reid,  
    Appellant,  
    v.  
Robin Beauliue, &c.,  
    Respondent.

                    SSD 38  
In the Matter of Adam Saylor,  
    Respondent,  
    v.  
Joyelle Bukowski,  
    Appellant.

4                    SSD 40  
Kimberly Snickles,  
    Appellant,  
    v.  
State of New York,  
    Respondent.  
(And Five Other Actions)

3                    Mo. No. 2018-575  
The People &c.,  
    Respondent,  
    v.  
John J. Thompson,  
    Appellant.

Motion for leave to appeal denied.

Appeal transferred without costs, by the Court sua  
sponte, to the Appellate Division, Second  
Department, upon the ground that a direct appeal  
does not lie when questions other than the  
constitutional validity of a statutory provision are  
involved (see NY Const, art VI, §§ 3[b][2], 5[b];  
CPLR 5601[b][2]).

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

Motion for an extension of the time within which to  
apply for permission to appeal pursuant to CPL  
460.20 granted and motion papers treated as a timely  
CPL 460.20 application.



3                    Mo. No. 2018-521  
In the Matter of Ahriiyah VV., et al., &c.

Broome County Department of Social  
Services,  
    Respondent;  
Rebecca VV.,  
    Respondent,  
Robert WW.,  
    Appellant.

Motion for leave to appeal denied.

2                    SSD 42  
In the Matter of John L. Weslowski,  
    Appellant,  
    v.  
Edwin J. Day, &c., et al.,  
    Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

3                    Mo. No. 2018-567  
The People &c.,  
    Respondent,  
    v.  
Milton Wood,  
    Appellant.

Motion for an extension of the time within which to  
apply for permission to appeal pursuant to CPL  
460.20 granted and motion papers treated as a timely  
CPL 460.20 application.