

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2483  
Ind. No. 835/16

Divine A. Greene, also known as  
Daniel Greene,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 17, 2017 (M-5923), inter alia, assigning The Legal Aid Society as counsel to prosecute defendant-appellant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 11, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 11, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2484  
Ind. No. 2679/16

Alex Ortiz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 15, 2017 (M-3145), inter alia, assigning The Legal Aid Society as counsel to prosecute defendant-appellant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 30, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated May 9, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

Jacek Woloszyn,  
Plaintiff-Respondent,

-against-

Number 535 Park Avenue, et al.,  
Defendants-Appellants,

M-2537  
Index No. 20917/13E

Colgate Scaffolding & Equipment Corp.,  
Defendant.

- - - - -  
[And a third-party action.]

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 4, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated May 15, 2018, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Guido A. Piondeleon,

Defendant-Appellant.  
-----X

**M-1818**

**M-1897**

Ind. Nos. 3272/13  
2124N/14

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 18, 2014, and from a judgment of the Supreme Court, New York County, rendered on or about January 5, 2015,

And assigned counsel, Robert S. Dean, Esq., the Center for Appellate Litigation, having moved by separate motions, to dismiss the aforesaid appeals as abandoned (M-1818/M-1897),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn, and the motions are otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1919  
Ind. No. 4640/15

John Butler,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-2099**  
Ind. No. 3298/17

Jose Torres,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2100**  
Ind. No. 1611/16

Tyrone Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 2, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-2101**  
Ind. Nos. 1487/15  
3422/14

Jaquan Tucker,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 12, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2104**

Ind. No. 933N/17

Steven Sylvester,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 21, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Anthony Castillo,

Defendant-Appellant.  
-----X

**CONFIDENTIAL**

M-2140

Ind. No. 4256/15

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-2406  
Ind. No. 3368/14

Mohammed Chowdhury,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 2, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Chance Y., and  
Star Y.,

Children Under 18 Years of Age Alleged  
to be Neglected Under Article 10 of  
the Family Court Act.

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-2005  
Docket Nos. NN-31095-16  
NN-31096-16

Danielle Y.,  
Respondent-Appellant.

- - - - -  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, an appeal taken from an Order of Fact-Finding and Order of Disposition of the Family Court, New York County, both entered on or about January 5, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York 10006, Telephone No. 917-674-9516, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

Linda H.,  
Petitioner-Appellant,

**CONFIDENTIAL**

M-2142

Docket No. O-24835/16

-against-

Ahmad S.,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about March 13, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Hayat Bearat, Esq., New York Legal Assistance Corp., 7 Hanover Square, Floor 18, New York, New York, 10009, Telephone No. 212-613-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7])** of service of a copy of

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

**this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Zian Xzavion C.,  
also known as Ziah C.,  
also known as Ziah MCC.,  
also known as Ziah McC.;  
and Damani Makai Naseyre C.,  
also known as Damani C.,  
also known as Damani MCC.,  
also known as Damani McC.,

**CONFIDENTIAL**  
**M-2466**  
Docket Nos. B-2451/12  
B-2454/12

Dependent Children Under the Age of 18 Years Pursuant to §384-b of the Social Services Law of the State of New York.

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Saint Dominic's Home, SCO Family of Services, Commissioner of the Administration of Social Services of the City of New York,  
Petitioners-Respondents,

Laurel Shavonne MCC., also known as Laurel MCC., also known as Laurel Shavonne McC., also known as Laurel McC.,  
Respondent,

Kevin Ebedmelech C., also known as Kevin Ebedmelich C., also known as Kevin Ebedmelch C., also known as Kevin C.,  
Respondent-Appellant.

-----  
Dawne A. Mitchell, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the (2) appeals taken from (4) orders of the Family Court, Bronx County, two entered on or about April 1, 2016, and two on or about March 15, 2018, and for assignment of counsel, a free copy of the transcript(s), and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York 11753, Telephone No. (603) 313-1951, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect the appeal(s), in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
\_\_\_\_\_  
CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
Dianne T. Renwick  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2044**  
Ind. No. 17/16

Fama Conde,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 8, 2016 (M-5345) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 7, 2016, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal,

And Robert S. Dean, Esq., having moved to be relieved as counsel for defendant upon learning that defendant had retained private counsel on the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of relieving Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute defendant's appeal.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Judith J. Gische  
Peter Tom, Justices.

-----x

Koya Abe,  
Plaintiff-Appellant,

-against-

M-2280  
Index No. 105985/10

New York University, et al.,  
Defendants-Respondents.

- - - - -

Koya Abe,  
Plaintiff-Appellant,

-against-

Index No. 157465/16

New York University, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff-appellant from two orders of the Supreme Court, New York County, entered on or about April 2, 2018, and an order entered on or about April 3, 2018, all three appeals under Index No. 105985/10,

And an appeal having been taken to this Court by plaintiff-appellant from an Order of Reference to Hear and Report, of the Supreme Court, New York County, entered on or about December 19, 2017, under Index Nos. 105985/10 and 157465/16,

And an appeal having been taken to this Court by plaintiff-appellant from an order of the Supreme Court, New York County, entered on or about December 5, 2017 under Index No. 157465/16 and 105985/10,

And plaintiff-appellant now having moved, inter alia, for consolidation of the aforesaid appeals and, upon consolidation, leave to submit oversized briefs; poor person relief; and an enlargement of time to perfect the appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of consolidating the appeals from the two orders entered on or about April 2, 2018, the single order entered on or about April 3, 2018, the single order entered on or about December 19, 2017, and the two orders entered on or about December 5, 2017, under Index Nos. 157465/16 and 105985/10; and plaintiff-appellant is directed to perfect the consolidated appeals on a single brief and record.

It is further ordered that plaintiff-appellant is granted poor person relief, only to the extent of permitting the appeals to be heard on the original record and upon a reproduced appellant's brief, on condition that plaintiff-appellant serve one copy of such brief upon the attorney for defendants-respondents and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of the Court; plaintiff-appellant is permitted to dispense with payment of the required fee for the subpoena and the filing of the record.

In addition, it is further ordered that the time to perfect the consolidated appeals is enlarged to the December 2018 Term; and leave to file oversized briefs is denied, without prejudice to plaintiff making the same application, by letter, to the Clerk of the Court (see, Rule 600.10[a][1]).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
-----X

This Document Relates To:

Tatjana Pogacnik, as Executrix for the Estate of Leon B. Pogacnik, and Tatjana Pogacnik, Individually,  
Plaintiffs-Respondents,

M-2261  
Index No. 190340/15

-against-

A.O. Smith Water Products Co., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 30, 2018, and defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

And interim relief having been granted, in part, by a Justice of this Court, entered on May 1, 2018, for a stay of trial,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 2018, and due deliberation having been had thereon,

It is ordered that the motion for a stay is withdrawn, and the interim relief, granted by an order of a Justice of this Court, dated May 1, 2018, is hereby vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2315**  
Ind. No. 1635/16

Prince Seaborn,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2016,

And defendant, through assigned counsel, having moved for an order dismissing the aforesaid appeal as moot, without prejudice to reinstatement,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming appeal withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2276  
Ind. No. 925/16

Anthony Richard,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 12, 2018 (M-505), inter alia, denying, with leave to renew, defendant-appellant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 28, 2017,

And defendant-appellant having renewed his request for leave to prosecute the aforesaid appeal as a poor person,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-2153**  
Ind. No. 5224/14

Kevon Watt,  
Defendant-Appellant.

-----X

A judgment of the Supreme Court, New York County, having been rendered on or about September 19, 2017,

And Gail Watt, mother of defendant Kevon, having moved on defendant's behalf for an enlargement of time in which to file a notice of appeal from the aforesaid judgment of the Supreme Court, New York County, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew, upon submission by defendant Mr. Watt, or a licensed attorney, of a notice of motion and notarized affidavit setting forth the defendant's indigency in compliance with CPLR 1101, including the amount and sources of his income and listing his property with its value.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-2139**

Ind. No. 504/17

Ramon Zapata-Peralta,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 30, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X  
José Cubello,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.  
-----X

**M-2316**

Index No. 113675/07

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 9, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X

Kathryn Casey, et al.,  
Plaintiffs-Respondents,

-against-

M-2336  
Index No. 111723/11

Pamela Renna, Vittina Degrezia,  
also known as Vitina Luppino,  
Intervenor-Plaintiffs,

-against-

Whitehouse Estates, Inc., Koepfel &  
Koepfel, Inc., Duell 5 Management  
LLC, doing business as Duell  
Management Systems, William W.  
Koepfel and Eastgate Whitehouse  
Estates, LLC,  
Defendants-Appellants.

-----X

Whitehouse Estates, Inc., Eastgate  
Whitehouse LLC and William W. Koepfel,  
Third-Party Plaintiffs-Respondents,

Third-Party  
Index No. 595472/17

-against-

Roberta L. Koepfel, et al.,  
Third-Party Defendants-Appellants.

-----X

An order of this Court having been entered on March 22, 2018 (M-628), granting defendants-appellants' motion for an enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about March 28, 2017, to the September 2018 Term,

And third-party defendants having now moved for an enlargement of time to perfect their appeal taken from the same order,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that third-party defendants' motion is granted to the extent of enlarging the time to perfect the appeal to the December 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2134  
M-797  
Ind. No. 4505/07

Thomas Bond, also known as Thomas Barnes,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 18, 2011 (M-5982), granting defendant-appellant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 13, 2010, and appointing The Legal Aid Society to prosecute the appeal,

And an order of this Court having been entered on July 9, 2013 (M-2423), amending the aforesaid order of assignment to include a judgment of **resentence** of said Court, rendered on or about October 12, 2012, and inter alia, continuing the poor person relief previously granted,

And defendant-appellant having moved (M-2134) for an order amending the notice of appeal and the aforementioned order of assignment to include the appeal from the judgment of **resentence** of same Court, rendered March 16, 2018,

And defendant-appellant having moved (M-797) for an order assigning Legal Aid to prosecute the appeal taken from an order of the Supreme Court, Bronx County, entered on or about November 13, 2017 which set aside a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about April 1, 2016, and extending the poor person relief previously granted by the aforesaid order of this Court (M-5982),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that said motions are granted to the extent of amending defendant's notice of appeal and the aforementioned order of assignment to include the judgment of **resentence**, of the same court, rendered on or about March 16, 2018, and extending the poor person previously granted by an order of this Court (M-5982) to cover same (M-797),

Justine M. Luongo, Esq., 199 Water Street, 5<sup>th</sup> Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Richard T. Andrias, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-3026  
Ind. No. 11977/88

Luis Rosales,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about May 18, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.



Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X

The People of the State of New York  
ex rel. Andre Johnson, Pro Se,  
Petitioner-Appellant,

-against-

M-2201  
Index No. 100365/18  
SCID No. 30055/18

T. Sticht, Superintendent of Wyoming  
Correctional Facility,  
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 9, 2018, which denied and dismissed the petition for a writ of habeas corpus,

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, and for assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said motion is granted and it is directed that the appeal be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. The motion is otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Troy K. Webber  
Ellen Gesmer  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

Juan Vazquez,  
Defendant-Appellant.

**CONFIDENTIAL**  
**M-2030**  
SCI No. 99051/16

-----X

An order of this Court having been entered on September 12, 2017 (M-3700), granting defendant leave to prosecute, as a poor person, the appeal from a SORA order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about June 16, 2017, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2208  
Docket No. 39760C/16

Tavon Brown,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 8, 2018 (M-18), inter alia, granting defendant-appellant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 28, 2017, under Bronx County Ind. Nos. 839/13, 1090/15 and 2831/15,

And defendant-appellant having moved to transfer the appeal under Bronx County Docket No. 39760C/16 to this Court from the Appellate Term, First Department, and allowing continuance of the previously granted poor person relief with respect to the judgment of conviction, rendered on or about September 28, 2017, under Bronx County Docket No. 39760C/16,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Application of  
Darryl Hagans,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-2206  
Index No. 260214/15

-against-

Riverbay Corporation, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 22, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of the summary holdover proceeding pending in Civil Court, Bronx County (L&T Index No. 067513/13) pending hearing and determination of the aforesaid appeal before this Court, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Richard T. Andrias  
Marcy L. Kahn  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York  
ex rel. Lamont Anthony Sears,

Petitioner,

-against-

**M-2031**

Ind. No. 3145/17

City of New York, State of New York,  
New York City Department of Corrections,  
et al.,

Respondents.  
-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, money damages for his continued incarceration, bail reduction, and poor person relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that the motion be and same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of petitioner's writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the

entry hereof, upon the Warden at A.M.K.C. Rikers Island Department of Corrections; the Attorney General of the State of New York, 28 Liberty Street, New York, NY 10005; and the District Attorney of New York, be deemed and sufficient notice. This order is without prejudice to further proceedings regarding the related relief.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----x  
Elizabeth S. Straus,

Plaintiff-Respondent,

-against-

M-1941  
Index No. 304189/13

Daniel A. Strauss,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 26, 2018,

And defendant-appellant having moved for a stay of the order with respect to the payment of certain sanctions, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the reply affirmation dated May 3, 2018 from William S. Beslow, Esq., counsel for defendant-appellant, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Flutur Bida,

Plaintiff-Appellant,

-against-

M-2043  
Index No. 111370/10

Port Authority of New York and New Jersey  
and Modern Facilities Services, Inc.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about June 22, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
US Bank, NA., as Trustee for Credit Suisse  
First Boston Mortgage Backed Securities  
Corp., CSAB Mortgage-Backed Pass-Through  
Certificates, Series 2006-2,

Plaintiff-Respondent,

-against-

M-2381  
Index No. 381168/13

Francis S. Stubbs, also known as, Francis  
Stubbs, also known as, Francis I. Stubbs,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about June 28, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Jason F.,

Plaintiff-Respondent-Appellant,

-against-

Wendy F.,

Defendant-Appellant-Respondent.

-----X

**CONFIDENTIAL**

**M-2205**

**M-2361**

Index No. 305964/10

An appeal and a cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about March 6, 2017, and said appeal and cross appeal having been perfected,

And defendant having moved for an order directing plaintiff to resubmit the cross-appellant's brief striking all matters therein dehors the record on appeal; and adjourning the appeal and cross appeal (M-2205),

And plaintiff having cross-moved for an order denying defendant's motion seeking to strike defendant-appellant-respondent's brief; directing this Court to take judicial notice of defendant's complaint, sworn to on March 14, 2018, filed in *Wendy F. v William S. Beslow, Esq.* (New York County Index No. 152310/18); granting plaintiff leave to supplement the record on appeal to include the aforesaid complaint; and awarding plaintiff fees and costs on the within motion and cross motion (M-2361),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that defendant's motion is granted to the extent of striking plaintiff's brief; directing plaintiff to file a new cross-appellant's brief without reference to proceedings in the matter of *Wendy F. v William S. Beslow, Esq.* (NY County Index No. 152310/18); adjourning the appeal and cross appeal to the November 2018 Term of this Court; and directing plaintiff to file his replacement brief on or before October 3, 2018 for that Term (M-2205). Plaintiff's cross motion is denied (M-2361).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

Oscar Barabondera,  
Plaintiff-Appellant,

-against-

**M-2354**

Index No. 100509/17

The City of New York,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about April 9, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Troy K. Webber  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Kelvin Rodriguez, as Administrator  
of the Estate of Fiordaliza Pichardo,  
Deceased, and Fiordaliza Pichardo,  
Individually,

Plaintiff-Respondent-Appellant,

-against-

Elsa M. Then,  
Defendant,

Bronx Lebanon Hospital Center, Sahitya  
Mallipeddi, M.D., Isaac Dapkins, M.D.  
and Jessica Fleisher-Black, M.D.,  
Defendants-Appellants-Respondents,

Jane Doe Nurses, et al.,  
Defendants.

-----X

An appeal and a cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 18, 2016,

And plaintiff-respondent-appellant having moved for an enlargement of time to perfect their cross appeal (M-1903),

And defendants-appellants-respondents having moved for an enlargement of time to perfect their appeal (M-2047),

**M-1903**

**M-2047**

Index No. 21033/11

Now, upon reading and filing the papers with respect to the motions and due deliberation having been had thereon,

It is ordered that the motions are both granted to the extent of enlarging the time to perfect the appeal and cross appeal to the November 2018 Term; and, sua sponte, the respective parties are directed to proceed upon a joint record or joint appendix and to share equally the cost of said record or appendix.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Robert Adrian,

M-2542  
DC #2  
Ind. No. 2684N/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 1, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Donnell Baines,

M-2549  
DC #6  
Ind. No. 5299/10

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 1, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Harold Berrocal,

M-2557  
DC #10  
Ind. No. 346/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 22, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Charlie Blount,

M-2560  
DC #12  
Ind. No. 3493/14

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 27, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Gabriel Castrillon,

Defendant-Appellant.  
-----X

M-2567  
DC #18  
Ind. No. 2173/10

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about August 30, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jerry Colon,

Defendant-Appellant.  
-----X

M-2568  
DC #19  
Ind. No. 1658/13

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 22, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid appeal is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Kazzim Cooper,

M-2570  
DC #21  
Ind. No. 4753/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 14, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Joel Cruz,

M-2572  
DC #23  
Ind. No. 3120/09

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about August 5, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jose Cruz Ortiz,

M-2573  
DC #24  
Ind. No. 2684N/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Love Graham,

M-2590  
DC #37  
Ind. No. 493/15

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 19, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Albert Javier,

M-2597  
DC #40  
Ind. No. 1348/06

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, rendered on or about August 10, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Steven Radtke, also known as Steve  
Melechonie,

M-2603  
DC #45  
Ind. Nos. 269/11  
335N/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 4, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Christopher Reed,

M-2605  
DC #46  
Ind. No. 282/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 7, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the October 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Fabio Abreu,

M-2539  
DC #1  
Ind. No. 5477/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 28, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Albert Anderson,

Defendant-Appellant.

M-2544  
DC #3  
Ind. Nos. 492/11  
193/11  
2592/11

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 21, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jonny Andujar,

Defendant-Appellant.  
-----X

**CONFIDENTIAL**

M-2545

DC #4

Ind. No. 2755/10

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 23, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jonathan Austin,

M-2546  
DC #5  
Ind. No. 2166/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 10, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Erwin Baize,

M-2552  
DC #7  
Ind. No. 1930/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 24, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Ramel Blount,

Defendant-Appellant.  
-----X

M-2559  
DC #13  
Ind. No. 3101/12  
SCI No. 3676/13

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 2, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Warren Brown,

M-2563  
DC #14  
Ind. No. 3057/14

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jermaine Combs,

M-2569  
DC #20  
Ind. No. 4158/14

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jarell Cunningham,

Defendant-Appellant.  
-----X

M-2575  
DC #26  
Ind. Nos. 4342/13  
2338/14

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Alejandro Delacruz,

M-2577  
DC #28  
Ind. No. 513/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 20, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Jose Espinal,

M-2578  
DC #29  
Ind. No. 3410/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Paul F. Gaccione,

M-2585  
DC #33  
Ind. No. 1171/10

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Pablo Garcia,

Defendant-Appellant.

M-2587  
DC #34  
Ind. Nos. 2650/09  
2312/11

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 28, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Christopher Glover,

Defendant-Appellant.  
-----X

M-2588  
DC #35  
Ind. No. 4189/14

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Joel Herrera,

M-2595  
DC #39  
Ind. No. 3109/14

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 4, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Alexis Laboy,

M-2598  
DC #41  
Ind. No. 2749/10

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 14, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Michael Lopez,

M-2600  
DC #43  
Ind. No. 2329/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 28, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Arnold McKelvey,

M-2601  
DC #44  
Ind. No. 4848/13

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Reginald Robinson,

M-2608  
DC #47  
Ind. No. 635/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 22, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

John L. Wilson,

Defendant-Appellant.  
-----X

M-2609  
DC #48  
Ind. Nos. 4902/13  
4441/13

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 27, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Ricky Billups,

M-2558  
DC #11  
Ind. No. 3045/12

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Katia Cambronae,

M-2565  
DC #16  
Ind. No. 2733/11

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on or about March 25, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Bartholomew Crawford,

M-2571  
DC #22  
Ind. No. 6170/09

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about November 6, 2015,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Quentin F.,

Defendant-Appellant.  
-----X

**SEALED**

M-2579

DC #30

Ind. No. 2606/12

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Andre Fernandez,

M-2581  
DC #31  
Ind. No. 927/07

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2010,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Christopher Flores,

M-2584  
DC #32  
Ind. No. 1601/10

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant-appellant from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for defendant-appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the defendant-appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
Alty Adamson,

Plaintiff-Appellant,

-against-

Macy's Inc., et al.,

M-2622  
DC #1  
Index. No. 401695/12

Defendants-Respondents.  
-----X

An appeal having been taken to this Court by appellant from the order of the Supreme Court, New York County, entered on or about April 16, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X

James Pettus, etc.,  
Plaintiff-Appellant,

-against-

M-2650  
DC #13

Board of Director(s) 800 Grand  
Concourse Co-op as an Entity, et al.,  
Defendants-Respondents.

Index. No. 250113/15

-----X

An appeal having been taken to this Court by appellant from the order of the Supreme Court, Bronx County, entered on or about February 2, 2016,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 31, 2018, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the December 2018 Term and counsel is directed to so perfect.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York,

Respondent,

**M-1895**

Ind. Nos. 2544N/13

-against-

1363N/13

Franklin Garcia,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about October 23, 2013,

And assigned counsel, Robert S. Dean, Esq., the Center for Appellate Litigation, having moved to dismiss the appeal as abandoned, without prejudice to reinstatement,

Now, upon reading and filing of the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn, and otherwise denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Richard T. Andrias  
Troy K. Webber  
Ellen Gesmer,  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1864**  
Ind. No. 633/17

George Brown,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 15, 2018 (M-59), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 1, 2017, and assigning Seymour W. James, Jr., Esq., predecessor to Justine M. Luongo, Esq., The Legal Aid Society, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of The Legal Aid Society, as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Troy K. Webber  
Marcy L. Kahn  
Cynthia S. Kern  
Jeffrey K. Oing, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-2369**

Ind. No. 3348/03

Javier Pagan,

Defendant-Appellant.

-----X

Defendant, through assigned counsel, having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 22, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present: Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Ancillary  
Receivership of Reliance Insurance  
Company

- - - - -  
The Superintendent of Financial  
Services of the State of New York  
as Ancillary Receiver of Insurance  
Company,  
Ancillary Receiver-Appellant,

**SEALED**

**M-2741**

Index No. 405987/01

-against-

Sean Combs,  
Claimant-Respondent.

-----X

An appeal having been taken from an amended judgment of the Supreme Court, New York County, entered on or about September 19, 2017,

And the ancillary receiver-appellant having moved to unseal portions of the record (Moving Exhibits 1, 3, 4, 11-28), directing that the Clerk of the Court be instructed to permit appellant access to all materials in the trial court record,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted so that appellant's current counsel can have access to all materials in the record

but the appeal shall otherwise remain sealed. Any request to further unseal the record, for all purposes, are to be made before the trial court.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Jason Jimenez,  
Plaintiffs-Respondents,

-against-

**M-2617**  
Index No. 306151/14

Vanessa Pena and Jose Miguel Arias,  
Defendants-Appellants,

Noel Rivera,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 6, 2017, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 2018, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Peter Tom, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern, Justices.

-----x  
AXA Equitable Life Insurance Company,

Plaintiff-Respondent,

-against-

M-2304  
Index No. 600635/10

Sara Dobner 2005 Lechaim Irrevocable  
Life Insurance Trust and Solomon  
Menche, etc.,

Defendants-Appellants.  
-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 20, 2017,

And an order of this Court having been entered on April 19, 2018 (M-1105/M-1384), withdrawing defendant-appellants' motions for leave to file a supplemental record on appeal,

And defendants-appellants Sara Dobner 2005 Lechaim Irrevocable Life Insurance Trust and Solomon Menche, etc. having moved to restore the motion for leave to file a supplemental record on appeal (M-1105/M-1384),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied as academic, the appeal having been decided by order of this Court entered on May 10, 2018 (Cal. No. 6539).

ENTERED:

  
CLERK



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M- 2220  
Ind. No. 1585/13

-against-

CERTIFICATE  
DENYING LEAVE

Brian Johnson,  
Defendant.

-----X  
I, Dianne T. Renwick, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented which ought to be reviewed  
by the Appellate Division, First Judicial Department, and  
permission to appeal from the order of the Supreme Court,  
New York County, entered on or about March 20, 2018 is hereby  
denied.

  
Justice

Dated: June 11, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

-----X  
The People of the State of New York,  
Respondent,

M-3026  
Ind. No. 11977/1988

-against-

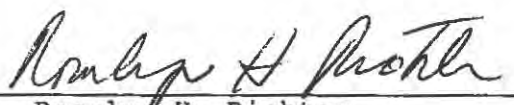
CERTIFICATE  
GRANTING LEAVE

Luis Rosales,  
Defendant-Appellant.  
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, dated May 18, 2018.<sup>1</sup>

Dated: June 26, 2018  
New York, New York

**ENTERED** JUL 1 0 2018

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter  
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-2758  
Ind. No. 3979/10

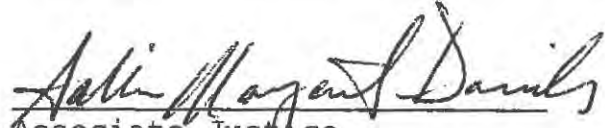
-against-

CERTIFICATE  
DENYING LEAVE

Solomon Corbett,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 23, 2018, is hereby denied.

  
Associate Justice

Dated: June 19, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-2760  
Ind. Nos. 5022/14,  
465/15

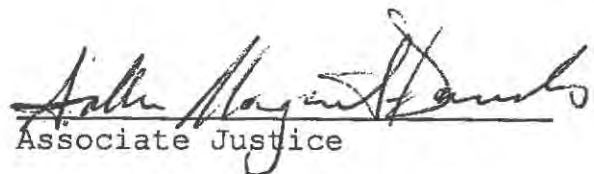
-against-

CERTIFICATE  
DENYING LEAVE

Julian LaPorte,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about January 25, 2018, is hereby denied.

  
Associate Justice

Dated: June 21, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-2785  
Ind. No. 2391/07,

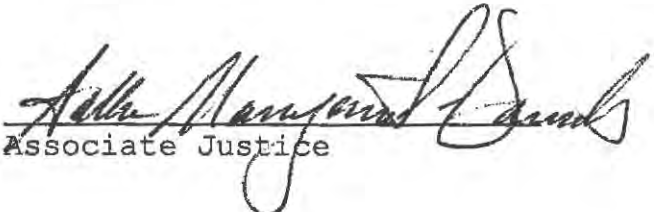
-against-

CERTIFICATE  
DENYING LEAVE

William Vega,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 26, 2018, is hereby denied.

  
Associate Justice

Dated: June 21, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-2790  
Ind. No. 2357/01,

-against-

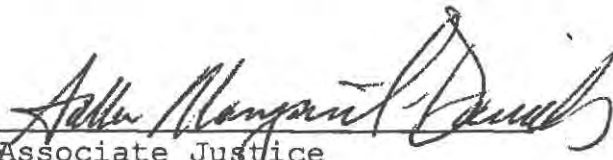
CERTIFICATE  
DENYING LEAVE

Ernest Montgomery,

Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 16, 2017, is hereby denied.

  
Associate Justice

Dated: June 21, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

-----X  
The People of the State of New York,

M-2794  
Ind. No. 5497/99,

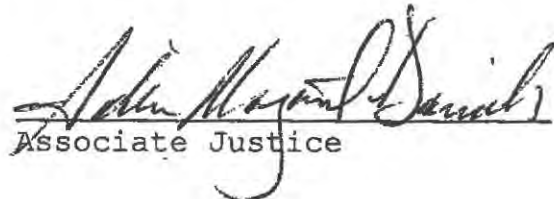
-against-

CERTIFICATE  
DENYING LEAVE

Frederic Walker,

Defendant.

-----X  
I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about January 2, 2018, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: June 22, 2018  
New York, New York

ENTERED: JUL 1 0 2018

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Troy K. Webber  
Justice of the Appellate Division

-----X  
The People of the State of New York,

**CONFIDENTIAL**  
M-2810  
Ind. No. 5973/09

-against-

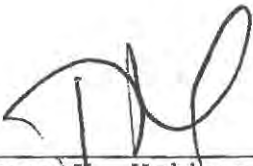
ORDER DENYING LEAVE  
UPON REARGUMENT

Jeremy Fulton,  
Defendant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made made by the above-named defendant for reargument of the order of a Justice of this Court (M-2909), entered on August 1, 2017, which denied his motion for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the order of the Supreme Court, New York County (Charles H. Solomon, J.) entered on or about April 4, 2017 is hereby denied.

Dated: June 27, 2018  
New York, New York

  
\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

ENTERED: JUL 1 0 2018



CORRECTED ORDER - July 26, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr,  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2455  
Ind. No. 4790N/11

Luis Nieves,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 8, 2012 (M-4101), inter alia, assigning Steven Banks, Esq., of The Legal Aid Society, predecessor of Justine M. Luongo, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about July 19, 2012,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, **and the matter is remanded** to Supreme Court, New York County, to vacate the judgment of conviction and to dismiss the indictment by reason of defendant's death.

ENTERED:

  
CLERK

CORRECTED ORDER - July 26, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 10, 2018.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Judith J. Gische  
Angela M. Mazzarelli  
Ellen Gesraer, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-2052  
Ind. No. 5416/13

George Crucey, also known as Douglas  
Crucey, also known as, Douglas Crucey  
Hernandez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 9, 2015 (M-659), inter alia, assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about August 18, 2014,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, **and the matter is remanded** to Supreme Court, New York County, to vacate the judgment of conviction and to dismiss the indictment by reason of defendant's death.

ENTERED:

  
CLERK