

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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Makeba Carpenter,  
Plaintiff-Appellant,

-against-

M-3489

Index No. 101270/17

New York City Police Department,  
Respondent-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeals taken from orders of the Supreme Court, New York County, entered on or about February 23, 2018 and May 29, 2018, and for leave to have the appeals 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 the motion is denied.

ENTERED: September 25, 2018



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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

In the Matter of a Paternity Proceeding Under Article 5 of the Family Court Act.

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Commissioner of Social Services on behalf of Nishaya G.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-3467  
Docket No. P-44519/16

-against-

Shaquan G.,  
Respondent-Appellant.

-----X

Assigned counsel for respondent-appellant having moved to be relieved as counsel and to withdraw the appeal taken from an order of the Family Court, New York County, entered on or about January 26, 2018,

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.

ENTERED: September 25, 2018

  
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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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-3522  
Ind. No. 3432/14

Wayne Stewart,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 14, 2017 (M-5780), inter alia, granting defendant's motion 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 13, 2017, and assigning counsel therefor,

And defendant-appellant having moved to unseal portions of the trial transcript from January 12, 2017 and to provide them to appellate 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 to the extent of unsealing the requested portions of the trial transcript from January 12, 2017, and providing them to appellate counsel.

ENTERED: September 25, 2018

  
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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
The People of the State of New York,  
Respondent, M-3202  
Ind. No. 2923/08  
-against-

Mark Jurgins,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 28, 2017 (M-5516) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about March 2, 2016, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Justine M. Luongo, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

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

-against-

M-3231  
Ind. No. 2119/14

David Gant,  
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, Bronx County, rendered on or about September 21, 2016, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and 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 an original, five hard copies and on digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018



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 September 25, 2018.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
Cynthia S. Kern, Justices.

-----X

In re Northwest 5<sup>th</sup> & 45<sup>th</sup>  
Realty Corp.,  
Petitioner-Respondent,

-against-

M-3641  
Index No. 150344/13

Mitchell, Maxwell & Jackson, Inc.,  
et al.,  
Respondents-Appellants,

Jeffrey Jackson, etc., et al.,  
Respondents.

-----X

Respondents-appellants having moved for clarification deemed a motion for reargument, of the decision and order of this Court entered on May 17, 2018 (Appeal No. 6616),

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 decision and order of this Court entered on May 17, 2018 (Appeal No. 6616) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 6616, decided simultaneously herewith.)

ENTERED: September 25, 2018

  
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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 September 25, 2018.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Cynthia S. Kern  
Anil C. Singh, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

M-3368  
SCI No. 32/09

Robert Fleming,  
Defendant-Appellant.

-----x

An order of this Court having been entered on May 31, 2018 (M-1445), denying defendant-appellant's motion for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 4, 2013,

And defendant-appellant having moved to renew/reargue said order,

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.

ENTERED: September 25, 2018

  
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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 September 25, 2018.

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

-----X

Dominic Hennessy,  
Plaintiff-Respondent,

-against-

M-3427  
Index No. 20902/14

2100 Anthony Realty Corp. and  
Gashi Management Group, LLC,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 20, 2018, said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto dated July 19, 2018, and due deliberation having been had thereon,

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

ENTERED: September 25, 2018

  
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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 September 25, 2018.

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

-----X  
Security Pacific National Bank,  
Plaintiff-Respondent,

-against-

M-3645  
Index No. 22899/92

Tracie Evans,  
Defendant-Appellant,

Arnold Lepelstat, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 27, 2017, and said appeal having been calendared for the December 2018 Term of this Court,

And plaintiff-respondent having moved for an enlargement of time to file his respondent's brief on the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto dated July 20, 2018, and due deliberation having been had thereon,

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

ENTERED: September 25, 2018

  
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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 September 25, 2018.

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

-----X  
Michael Triolo,  
Plaintiff-Respondent,

-against-

City Recycling Corp.,  
Defendant-Appellant.

M-3695X  
Index No. 160023/15E

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 1, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 2018, and due deliberation having been had thereon,

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

ENTERED: September 25, 2018

  
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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 September 25, 2018.

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

-----X  
Hemant Shah and Varsha Shah,  
Plaintiffs-Respondents,

-against-

20 East 64th Street, LLC, et al.,  
Defendants-Respondents,

Urban Foundation/Engineering, LLC,  
Defendant-Appellant.  
-----X

M-3769X  
Index No. 156305/15

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 28, 2018,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 31, 2018, and due deliberation having been had thereon,

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

ENTERED: September 25, 2018

  
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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 September 25, 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 Proceeding for Custody/Visitation Under Article 6 of the Family Court Act.

Fatima K.,  
Petitioner-Respondent,

-against-

**CONFIDENTIAL**

M-4265

Docket Nos. V-30195/16

V-30194/16

Ousmane F.,  
Respondent-Appellant.

Thomas R. Villecco, Esq.,  
Attorney for the Child.

-----X

Thomas R. Villecco, Esq., court attorney for the subject child Fanta F., having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about October 5, 2016 and for the 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite No. 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The Clerk of the Court is directed to adjourn the perfected appeal to the November 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 September 25, 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-3289  
Ind. No. 4177/11

Walde Vizcaino,

Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on June 28, 2018 (M-2536), granting defendant-appellant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about May 3, 2018, which denied defendant-appellant's motion to vacate, pursuant to CPL § 440.10, the judgment of the Supreme Court, New York County rendered on or about October 15, 2013,

And defendant-appellant having moved for poor person relief and assigning the Center for Appellate Litigation as counsel to prosecute the appeal from said order,

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 unnecessary, the order of this Court, entered June 28, 2018, having previously consolidated the appeal from the order with the appeal from the judgment, and extending the poor person relief to cover same,

ENTERED: September 25, 2018

  
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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 September 25, 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-3525

Ind. No. 2496/16

Keiyon Gordon,

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 March 1, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3564

Ind. No. 2820/17

Khristopher Francisco,

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 April 26, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3565  
Ind. No. 835/18

Hector Roman,

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 May 25, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3566  
Ind. Nos. 4192/16  
761/16

Jose Jiminez,

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 March 7, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3567

Ind. No. 4133/17

Steven Nunez,

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 May 17, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3568  
Ind. Nos. 558/17  
613/17

Romaine Bell,

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 April 26, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3601  
Ind. No. 5093/16

Jackson Cepeda,

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 January 24, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3621  
Ind. No. 3453/15

Douglas Bates,

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 May 19, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3625  
Ind. No. 1331/09

Raul Espino,

Defendant-Appellant.

-----X

An order of this Court having been entered on June 7, 2018, (M-1542), deeming defendant-appellant's moving papers a timely filed notice of appeal from an order of the Supreme Court, New York County, entered on or about September 20, 2016,

And defendant-appellant having moved for leave to prosecute, as a poor person, the aforementioned appeal, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3626

Ind. No. 4414/11

Christian Falero,

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 January 30, 2015, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

September 25, 2018

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 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-3229  
Ind. No. 1548/12

Arthur Jones,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated June 14, 2018, and due deliberation having been had thereon,

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

ENTERED: September 25, 2018

  
-----  
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 September 25, 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,

**CONFIDENTIAL**

M-3389

-against-

Ind. Nos. 3751/97

9034/97

Erry Rosas,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about June 22, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Christina A. Swarns, Esq., Office of the Appellate Defender, 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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

A handwritten signature in black ink, appearing to read "Christina Swarns", written over a horizontal line.

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 September 25, 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-3420

Ind. No. 2963/09

Engels Gonzalez,

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 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice.  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-4063

-against-

Ind. No. 4241/15

Rolando Tavarez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 16, 2017, and for leave to prosecute said appeal as a poor person, and 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 deeming the notice of appeal as timely filed, 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 an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED: September 25, 2018

  
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 September 25, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Barbara R. Kapnick  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Cesar A. Benitez,  
Plaintiff-Respondent,

-against-

M-4383  
Index No. 300659/11

Church of St. Valentine Williamsbridge  
New York,  
Defendant-Appellant.

-----X  
Church of St. Valentine Williamsbridge  
New York,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 84104/11

St. Thomas Syro-Malabar Catholic Diocese  
of Chicago in New York, et al.,  
Third-Party Defendants-Respondents.

-----X

Defendant/third-party plaintiff-appellant having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 22, 2015,

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 February 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Barbara R. Kapnick  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Arch Insurance Company for itself  
and as subrogee of Criterion  
Development Group, LLC and One  
Astoria Square, LLC,  
Plaintiffs-Respondents,

-against-

M-4437  
Index No. 652835/14

Nationwide Property & Casualty  
Insurance Company,  
Defendant-Appellant,

S&J Industrial Co., John Does 1-10,  
and ABC Corporations 1-10,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from judgments of the Supreme Court, New York County, both entered on or about December 12, 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 January 2019 Term.

ENTERED: September 25, 2018

  
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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 September 25, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x

MLM Assets, LLC,  
Plaintiff-Respondent,

-against-

Mylene Liggett,  
Defendant-Appellant,

M-3851  
Index No. 118125/09

-and-

J.J. & P. Associates Corp., et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 16, 2018, and said appeal having been perfected,

And plaintiff-respondent having moved to dismiss the aforesaid appeal or, in the alternative, to direct defendant-appellant to file a supplemental record, including those documents that were not included in the supplemental record filed with this Court, and to extend plaintiff's time to file a respondent's brief,

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 dismissing the appeal, and is otherwise denied.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----X

Probate Proceeding, Will of **Surrogate's Court**  
Sydney H. Fields, M-3860  
Deceased. M-4076  
File No. 2016-111

-----X

An appeal having been taken by objectant-appellant Richard J. Fields from an order of the Surrogates Court, New York County, entered on or about March 26, 2018, and said appeal having been perfected,

And appellant Richard J. Fields having moved to reverse the probate decree, and to stay petitioner from liquidating the estate assets (M-4076),

And petitioner-respondent having cross-moved to dismiss the aforesaid appeal or, in the alternative, to strike certain portions of the appellants appendix and brief, to adjourn the appeal to the November 2018 Term, and for other relief (M-3860),

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 the cross motion by petitioner is granted and the appeal is dismissed (M-3860). The motion by appellant to reverse the probate decree and stay petitioner from liquidating the estate assets is denied (M-4076).

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.

-----X

The People of the State of New York  
ex rel. Lizzie-Anne Beal, on behalf of  
A.P.,

Petitioner-Appellant,

-against-

Joseph Ponte, Commissioner, New York  
City Department of Correction, etc.,  
Respondent-Respondent.

-----X

**SEALED**

M-4109

M-4188

Index No. 452219/17

An appeal having been taken to this Court by the above-named petitioner from the judgment of the Supreme Court, New York County, entered on or about August 9, 2017,

And The Bronx Defenders and Brooklyn Defenders Services having moved for leave to file a brief amici curiae in connection with the aforesaid appeal (M-4109),

And the New York County Defender Services having moved, by separate motion, for leave to file a brief amicus curiae in connection with the aforesaid appeal (M-4188),

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

It is ordered that the motion filed by The Bronx Defenders and Brooklyn Defenders Services (M-4109) is granted, and the eight copies of the brief amici curiae submitted with the moving papers is deemed filed, and it is further,

Ordered that the motion filed by the New York County Defender Services (M-4188) is granted, and movant is directed to file seven hard copies of the amicus curiae brief within seven days of the day of entry hereof.

ENTERED: September 25, 2018

  
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 September 25, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

Sondra Neuschotz,

Plaintiff-Respondent,

-against-

Nilson Neuschotz,

Defendant-Appellant,

-and-

Robert G. Smith, Esq.,  
Non-Party Appellant.

-----X

By an amended notice of appeal, defendant and non-party counsel jointly appeal from an order of the Supreme Court, New York County, entered on or about July 25, 2017,

Plaintiff-Respondent, now having moved for an order dismissing non-party appellant's appeal on the grounds that non-party appellant failed to order and settle the transcript, and that the appendix is insufficient and granting plaintiff-respondent fees and costs for the motion or, in the alternative, directing the non-party appellant to file a supplemental appendix (M-4276),

And, non-party appellant having cross-moved for attorneys fees on the motion or sanctions against plaintiff-respondent's counsel, (M-4329)

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

**CONFIDENTIAL**

**M-4276**

**M-4329**

Index No. 311514/09

It is ordered that plaintiff-respondent's motion is granted to the extent of directing non-party appellant to file a supplemental appendix with the settled transcript on or before November 5, 2018, for the January 2019 term, to which term the perfected appeal is adjourned(M-4276). Plaintiff-respondent is granted leave to file a supplemental appendix, if so advised, with costs to abide the appeal. Relief sought by non-party appellant's cross motion is otherwise denied (M-4329).

ENTERED: September 25, 2018



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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 September 25, 2018.

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

-----X

Rosemarie A. Herman, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-3391  
Index Nos. 650205/11  
950354/13

Julian Maurice Herman, et al.,  
Defendants-Appellants,

Michael Offit, et al.,  
Defendants.

- - - - -

[And a Third-Party Action]

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on June 7, 2018 (Appeal No. 6821),

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.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
Jeffrey G.,  
Petitioner-Appellant,

-against-

Stacey S.,  
Respondent-Respondent.

-----X

**CONFIDENTIAL**

M-4102

Docket No. F-40485/15/15A

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Family Court, New York County, entered on or about October 16, 2016,

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 February 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Barbara R. Kapnick  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x

Stephane Cosman Connery and  
Micheline Connery,  
Plaintiffs-Respondents,

-against-

M-3668  
M-4117  
Index No. 401336/05

Burton S. Sulton,  
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 15, 2018, and said appeal having been perfected,

And an order of this Court having been entered on June 26, 2018 [Corrected Order July 24, 2018] (M-2521/M-2691), inter alia, dismissing the aforesaid appeal, and denying defendant-appellant's cross motion for the imposition of costs and sanctions against plaintiff-respondent's counsel. Said order also enjoined defendant-appellant from filing a notice of appeal, appellate papers or motions related to this action without prior leave of this Court,

And defendant-appellant, pro se, having moved for reargument of the order of this Court entered on June 26, 2018 (M-2521/M-2691), for reinstatement of the appeal, and for costs and sanctions to be imposed against plaintiffs-respondents or in the alternative, for leave to appeal this Court's June 26, 2018 order to the Court of Appeals, (M-3668),

And plaintiffs-respondents having cross-moved for the imposition of costs and sanctions against defendant-appellant for frivolous conduct with respect to filing a new motion with this Court in contravention of the July 24, 2018 order (M-4117),

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 the motion (M-3668) is denied. The cross motion is denied, as unnecessary, pursuant to this Court's Corrected Order of July 24, 2018. Sua sponte, the appeal is stricken from this Court's calendar.

ENTERED: September 25, 2018

  
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 September 25, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----x  
Wilmington Savings Fund Society, FSB,  
as Trustee for Normandy Mortgage  
Loan Trust, Series 2013-18,  
Plaintiff-Respondent,

-against-

M-3595  
Index No. 109882/09

Sharay Hayes,  
Defendant-Appellant,

New York City Environmental Control  
Board, et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 2, 2017, and said appeal having been perfected,

And an interim stay of the foreclosure sale having been granted by an order of a Justice of this Court on July 20, 2018,

And defendant-appellant having moved for a stay of the foreclosure sale or, in the alternative, for an order confirming that an automatic stay is in effect pursuant to CPLR 5519(a)(6),

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 granting a discretionary stay of the foreclosure sale pending hearing and determination of the appeal. The Clerk is directed to maintain the appeal on the calendar for the October 2018 Term.

ENTERED: September 25, 2018

  
\_\_\_\_\_  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Yannick Benjamin and Angela Benjamin,  
Plaintiffs-Appellants,

-against-

M-3775  
Index No. 106847/04

The City of New York, The New York  
City Department of Transportation,  
New York City Department of  
Environmental Protection, New York  
City Department of Parks, and Trocom  
Construction Corp.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 May 1, 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 February 2019 Term.

ENTERED: September 25, 2018



-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Josephine Cordero,  
Plaintiff-Appellant,

-against-

Taver 29, Ltd.,  
Defendant,

M-3776  
Index No. 154087/14

-and-

Smith & Weiss, Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 26, 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 January 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of the Application of  
Victor Garrido,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4175  
of the Civil Practice Law and Rules, Index No. 101891/16

-against-

Woody Pascal, Deputy Commissioner  
of the DHCR,  
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 6, 2017,

And an order of this Court (M-975) having been entered on June 12, 2018 granting petitioner-appellant a stay of eviction pending hearing and determination of the appeal, on condition the appeal is perfected for the October 2018 Term,

And petitioner-appellant, pro se, having moved for an enlargement of time to perfect 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 enlarging the time to perfect the appeal to the January 2019 Term. The stay previously granted by this Court shall continue on condition the appeal is perfected for said Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Alphonse Fletcher, Jr., and  
Fletcher Asset Management, Inc.,  
Plaintiffs-Appellants,

-against-

The Dakota, Inc., Bruce Barnes  
and Peter Nitze,  
Defendants-Respondents.

M-4190  
M-4396  
Index No. 101289/11

-----X

Plaintiffs-appellants 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 October 12, 2017 (M-4190),

And defendants-respondents having cross moved to dismiss the aforesaid appeal (M-4396),

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 the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2019 Term, with no further enlargements to be granted (M-4190). The cross motion is granted to the extent of dismissing the appeal unless perfected for said January 2019 Term (M-4396).

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Jasmine Jackson,  
Plaintiff-Appellant,

-against-

M-4232  
Index No. 302996/14

Adfia Realty, LLC, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-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 January 10, 2018,

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 January 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-4249  
Ind. No. 4928/16

Ricky Nelson,

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 April 6, 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: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
Kamla Vaswani,  
Plaintiff-Respondent,

-against-

M-4309  
Index No. 154677/13

Enrique Denis and PJA LLC,  
Defendants,

Related Management Company, LP  
and French Apartments Housing  
Company,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a further enlargement of time to perfect their appeal taken from an order of the Supreme Court, New York County, entered on or about July 17, 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 February 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X  
In the Matter of the Application of

1326-1338 Riverside Drive LLC,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules

-against-

M-4371  
Index No. 152132/17

New York State Division of Housing  
and Community Renewal,  
Respondent-Respondent,

-and-

Gunnar Jaeck and Sarah Weil,  
Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about October 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 enlarging the time to perfect the appeal to the February 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Peter Tom  
Troy K. Webber  
Jeffrey K. Oing, Justices.

-----X

Center for Biomedical Studies, Inc.,  
et al.,

Plaintiffs-Appellants,

M-4384

Index No. 651481/15

-against-

Berger & Sklaw, LLC, et al.,  
Defendants-Respondents.

-----X

Counsel for plaintiffs-appellants having moved for leave to withdraw as counsel and for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about July 19, 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 granting Berry Law PLLC leave to withdraw as counsel for plaintiffs-appellants and enlarging the time to perfect the appeal to the March 2019 Term.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----x  
Robert Burton,

Plaintiff-Appellant,

-against-

M-3053  
Index No. 100658/17

Howard Owners Corp., Firstser-Vice  
Residential, David Kovel, Esq., Kagan,  
Lubin Lepper Finkelstein and Gold,  
L.L.P.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 12, 2018,

And plaintiff-appellant having moved (1) pursuant to CPLR 5518, to preliminarily enjoin the auction of shares associated with the two subject cooperative apartments; and (2) to stay, or annul, that part of the order enjoining plaintiff from filing any motion or bringing a new action without approval of the Administrative Judge,

And an interim stay of the action having been issued by a Justice of this Court on June 15, 2018, on condition that plaintiff reimburse defendants for costs incurred in selling shares of the subject apartments,

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 continuing the interim relief granted by a Justice of this Court on June 15, 2018, as a full bench stay, conditioned on plaintiff perfecting his appeal for the January 2019 Term, and

(M-3053)

-2-

September 25, 2018

It is further ordered that that branch of the motion seeking to stay or annul the requirement that plaintiff-appellant obtain court approval before filing any additional motions or initiating a new action, is hereby denied.

ENTERED: September 25, 2018

A handwritten signature in black ink, appearing to read "Susan R.", is written over a horizontal line. The signature is stylized and cursive.

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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----x

Bayview Loan Servicing, LLC,  
Plaintiff-Respondent,

-against-

M-3110  
Index No. 380133/13

Unknown Heirs as Heir to the Estate  
of Jenny Lawrence, etc., et al.,  
Defendants-Appellants,

City of New York, et al.,  
Defendants.

-----x

Defendants-appellants Hope and Errol Lawrence having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 29, 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 denied, the stay of foreclosure granted by the order of this Court entered October 26, 2017 (M-4787), is vacated, and, sua sponte, the appeal is dismissed.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
US Bank National Association, as Trustee for  
Citigroup Mortgage Loan Trust, Inc. 2006-HE3,  
Asset-Backed Pass-Through Certificates Series  
2006-HE3,

Plaintiff-Respondent,

M-3232

Index No. 380440/12

-against-

Tanjy Davis,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, Bronx 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 and the appeal is dismissed.

ENTERED: September 25, 2018

  
\_\_\_\_\_  
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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

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

-against-

Jeffrie Hernandez,  
Defendant-Appellant.

**Confidential**

M-3253  
SCI. No. 1709/17

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 20, 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: September 25, 2018

  
-----  
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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----x  
43<sup>rd</sup> Street Deli, Inc., doing business  
as Bella Vita Pizzeria,  
Plaintiff-Appellant,

-against-

M-3332  
Index No. 110073/06

Paramount Leasehold, L.P.,  
Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 24, 2018,

And plaintiff-appellant having moved to quash a judicial trial subpoena upon the grounds that it seeks confidential tax business record immaterial and unnecessary to the defense of this action and prosecution of the landlord's claims, and a protective order barring enforcement of the subpoena, or in the alternative, for subpoenaed records to be delivered to the trial court for in camera inspection and redaction,

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.

ENTERED: September 25, 2018

  
-----  
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 September 25, 2018.

PRESENT: Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X  
Monique Zordan,  
Plaintiff-Appellant,

-against-

M-3353  
Index No. 654848/17

The Travelers Home and Marine  
Insurance Company,  
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from an order of the Supreme Court, New York County, entered on or about May 1, 2018,

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 appeal is dismissed.

ENTERED: September 25, 2018

  
-----  
CLERK

CORRECTED ORDER - September 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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

210 East 86th Street Corp.,

Petitioner-Landlord-Respondent,

-against-

Eastside Exhibition Corp.,

Respondent-Tenant-Appellant.  
-----X

M-3376  
Civil Court  
Index No. 87970/15  
New York County  
Supreme Court  
Index No. 570647/17

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department entered in the office of the Clerk of the Supreme Court, New York County, on or about April 27, 2018,

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 a copy of the informational statement, pursuant to section 1250.3(a) of the Practice Rules of the Appellate Division, and a copy of this order, with the Clerk of the Appellate Term, with proof of service, pursuant to section 1250.14(f) of the Practice Rules of the Appellate **Division**.

ENTERED: September 25, 2018

  
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 September 25, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh, Justices.

-----x  
Xue Jie He,  
Plaintiff-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3396  
Index. No. 101247/17

Guttenberg NJ Police, Christ Hospital,  
and Hudson County Prosecutor's Office,  
Defendants-Respondents.

-----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 June 22, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED: September 25, 2018

  
-----  
CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

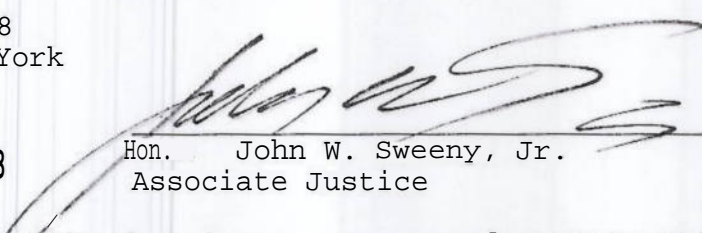
-----X  
The People of the State of New York,  
Respondent,  
  
-against-  
  
Carl Dushain,  
Defendant-Appellant.  
-----X

M-2615  
Ind. No.  
8131/97  
CERTIFICATE  
GRANTING LEAVE

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon reargument 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, entered on or about December 21, 2016 and January 9, 2018 (Ruth Pickholz, J.).

Dated: August 13, 2018  
New York, New York

SEP 25 2018

  
Hon. John W. Sweeny, Jr.  
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.

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-3914  
Ind. No. 2090/10

-against-

CERTIFICATE  
DENYING LEAVE

Martrell Terrell,

Defendant.  
-----X

I, John W. Sweeny, Jr., 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, dated on or about June 25, 2018 (Stephen M. Antignani, J.) is hereby denied.

Dated: September 17, 2018  
New York, New York

  
Associate Justice

ENTERED: SEP 25, 2018

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

BEFORE: Hon. Marcy L. Kahn,  
Associate Justice

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

Respondent,

M-3784

Ind. No. 893/2001

-against-

CERTIFICATE  
DENYING LEAVE

Zebadiah Hart,

Defendant.

-----X

I, Marcy L. Kahn, 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 Section 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, (Boyle, J.), entered on or about May 7, 2018, which denied defendant's motion pursuant to CPL 440.20, is hereby denied.

Dated: New York, New York  
September 6, 2018

Entered September 25, 2018

  
Justice of the Appellate Division

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

BEFORE: Hon. Ellen Gesmer  
Justice of the Appellate Division

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

M-3445  
Ind. No. 261/00

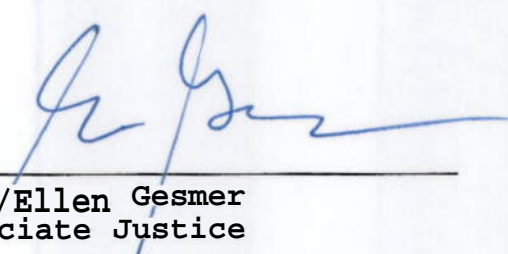
-against-

CERTIFICATE  
DENYING LEAVE

Keith Fagan,

Defendant.

-----X  
I, Ellen Gesmer, a Justice of the Appellate Division, First  
Judicial Department, certify that the application of the above-  
named defendant for a certificate pursuant to Criminal Procedure  
Law sections 450.15 and 460.15 fails to present any question of  
law or fact 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, dated April 11, 2018  
is denied.

  
\_\_\_\_\_  
Hon./Ellen Gesmer  
Associate Justice

Dated: August 13, 2018  
New York, New York

ENTERED: SEP 25 2018

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

M - 3072  
Ind. No. 4892/11

-against-

Damon Flagg,

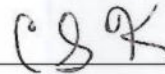
CERTIFICATE  
DENYING LEAVE

Defendant.

-----X

I, Cynthia S. Kern, 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, section 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 (Ruth Pickholz, J.), dated March 23, 2018 is hereby denied.

Dated: August 7, 2018  
New York, New York



\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: **SEP 25 2018**

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

M - 3103  
Ind. No. 2523/03

-against-

Hasan Coston,

CERTIFICATE  
DENYING LEAVE

Defendant.

-----X

I, Cynthia S. Kern, 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, section 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 (Daniel Conviser, J.), dated February 20, 2018, is hereby denied.

Dated: August 7, 2018  
New York, New York

*CSK*

\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: SEP 25 2018

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

M - 3384  
Ind. No. 4427/09

-against-

Omar Abreu,

CERTIFICATE  
DENYING LEAVE

Defendant.

-----X

I, Cynthia S. Kern, 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, section 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 (Edwina G. Mendelson, J.), dated September 6, 2017, is hereby denied.

Dated: August 7, 2018  
New York, New York

*CSK*

\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: **SEP 25 2018**



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

BEFORE: Hon. Cynthia S. Kern  
Justice of the Appellate Division

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

M-3387  
Ind. No. 5143/00

-against-

Paul Watkins,

Defendant.

-----X  
The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, Bronx County (Rodriguez-Morick, J.), entered on or about July 12, 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 granting defendant leave to file the certificate within 90 days from the date of entry hereof.

CSK  
Justice

Dated: August 9, 2018  
New York, New York

ENTERED: SEP 25 2018

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

-against-

Bobby Hawes,

Defendant.

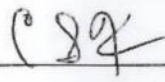
M - 3431  
Ind. No. 8481/87

CERTIFICATE  
DENYING LEAVE

-----X

I, Cynthia S. Kern, 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, section 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 (Ruth Pickholz, J.), dated April 16, 2018 is hereby denied.

Dated: August 7, 2018  
New York, New York

  
\_\_\_\_\_  
Hon. Cynthia S. Kern  
Associate Justice

ENTERED: SEP 25 2018

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

BEFORE: Hon. Cynthia S. Kern  
Associate Justice of the Appellate Division

-----X

The People of the State of New York,

-against-

Francisco Sostenes,

Defendant.

M - 3510  
Ind. No. 2173/09

CERTIFICATE  
DENYING LEAVE

-----X

I, Cynthia S. Kern, 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, section 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 (Gregory Carro, J.), dated February 21, 2018, is hereby denied.

Dated: August 7, 2018  
New York, New York

CSK

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Hon. Cynthia S. Kern  
Associate Justice

ENTERED: SEP 25 2018