

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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**CONFIDENTIAL**

M-3160

Ind. No. 1306/17

Daniel Santiago,  
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 May 10, 2019, 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, if represented by counsel, 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.

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:

  
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 August 13, 2019.

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

-----X  
Knox, LLC doing business as Knox, LLC  
of New York and DJW Advisors, LLC.,  
Plaintiffs-Respondents,

-against-

M-3184  
Index No. 651880/12

John R. Lakian and JRL Investment  
Group, Inc.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals taken from an order of the Supreme Court, New York County, entered on or about September 7, 2018, and a judgment of the same court, entered on or about March 21, 2019, and to consolidate 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 enlarging the time to perfect the appeal to the January 2020 Term, with no further enlargements to be granted. That branch of the motion seeking to consolidate the appeals is denied as unnecessary [22 NYCRR 1250.9(f)(3)].

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 August 13, 2019.

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

-----X

Andrea Rosales,  
Plaintiff-Respondent,

-against-

M-3215  
Index No. 22417/13E

Cactus Holdings, Inc., and Simone  
Development Corporation,  
Defendants,

-and-

J. Caiazzo Plumbing  
& Heating Corp.  
Defendant-Appellant,

[And Third Party Action.]

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 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 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3232**  
Ind. No. 2599/16

Mohamed Barrie,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 6, 2018, 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 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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

-----X

Julio Encarnacion,  
Plaintiff-Respondent,

-against-

M-3249  
Index No. 304134/14

3361 Third Avenue Housing Development  
Fund Corporation, 3361 Third Avenue  
Acquisition LLC, Strategic Construction  
Corp., 3361 Third Avenue Partnership,  
L.P.

Defendants-Appellants,

-and-

Peri Formwork Systems, Inc.,  
Defendant-Respondent.

[And Third Party Actions]

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 30, 2018,

And an order of a Justice of this Court, dated July 1, 2019, having granted, on consent of all parties, an interim stay of trial, pending the hearing and determination of the motion, with no further adjournments of the appeal,

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

(M-3249)

-2-

August 13, 2019

It is ordered that the motion is granted and the trial stayed pending the hearing and determination of the perfected 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 August 13, 2019.

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

-----x  
Tyrone Nichols,  
Plaintiff-Appellant,

-against-

M-3379  
Index No. 101204/17

New York City Department of Buildings  
Licensing Unit, et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 8, 2018, and said appeal having been perfected,

And petitioner-appellant, pro se, having moved to exclude five specified documents from consideration on 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 denied, as premature, with leave to renew, if so advised, after respondent's file a supplemental appendix or the deadline to file same has passed.

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 August 13, 2019.

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

-----X  
Favourite Limited, Claudio Gatelli,  
Graziano Sghedoni, Alberto Brentegani,  
Sirio Srl, Oile Srl and Upper East  
Side Suites, LLC,  
Plaintiffs-Respondents,

-against-

Benedetto Cico, Carla Cico,  
Defendants-Appellants,

151 East Houston Acquisition LLC,  
ABC Corps. 1-20 and John Does 1-20,  
Defendants.

**M-3417**

**M-3596**

Index No. 652857/16

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 30, 2018 and June 17, 2019,

And defendants-appellants having moved to enlarge the record on appeal to include the document entitled "Written Consent of the Majority Interest of the Members of Upper East Side Suites, LLC", also known as the "Valla Retention Resolution" (M-3417),

And plaintiffs-respondents having moved to strike the record on appeal and for an extension of time in which to file their respondent's brief (M-3596),

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

It is ordered that defendants-appellant's motion is granted to the extent of enlarging the record to include the aforementioned document (M-3417),

It is further ordered that plaintiffs-respondents' motion is granted to the extent of directing plaintiffs-respondents to file a supplemental record, which shall include the document identified by defendants-appellants, with costs to abide the appeal. The appeals are hereby consolidated and are adjourned to the December 2019 Term (M-3596).

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 August 13, 2019.

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

-----x

The Police Benevolent Association of the City of New York, Inc., on behalf of itself and all Police Officers,  
Petitioner-Appellant,

M-3429  
Index No. 653740/19

-against-

The City of New York,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 10, 2019,

And petitioner-appellant having moved for a preliminary appellate injunction, pursuant to CPLR 5518, enjoining respondent-respondent from implementing a provision of an agreement requiring newly hired officers of the New York City Police Department to be automatically enrolled in a certain health insurance plan, and for an expedited hearing of 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 denied, and the interim relief granted by the order of a Justice of this Court, dated July 11, 2019, is 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 August 13, 2019.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Ellen Gesmer, Justices.

-----X

Shalaine Y. Jones,  
Plaintiff-Appellant,

-against-

M-2505A  
Index No. 401917/13

FEGS-WeCARE/Human Resources, NYC,  
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about April 22, 2019, and for clarification of the decision and order of this Court, entered on May 31 2016 (Appeal No. 1312N),

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 in all respects.

The decision and order of this Court entered July 16, 2016 (M-2505) is hereby recalled and 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 August 13, 2019.

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

-----X

Bioenergy Life Science, Inc.,  
Plaintiff-Respondent,

-against-

**M-3077**

**M-3078**

Index No. 650602/14

Ribocor, Inc.,  
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2018 and from a judgment of the same court and justice, entered on or about August 1, 2018,

Now, upon reading and filing the stipulations of discontinuance of the parties hereto, both dated June 20, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid stipulations.

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 August 13, 2019.

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

-----X

Davidoff Hutcher & Citron LLP,  
Plaintiff-Respondent-Appellant

-against-

**M-3082**

Index No. 656031/16

Reginald Bridgewater and R&B Services,  
Inc.,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 4, 2018,

Now, upon reading and filing the joint correspondence received from plaintiff-respondent-appellant and counsel for defendants-appellants-respondents dated May 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are deemed withdrawn in accordance with the aforesaid correspondence.

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 August 13, 2019.

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

-----X  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act.

- - - - -  
Milagros R.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-3090  
Docket No. V-47098/15

-against-

K'Shonna J., et al.,  
Respondent-Respondent.

-----X  
In the Matter of Guardianship  
Proceeding

Charlotte J.,  
Petitioner,

Docket No. G-15789/17

-against-

K'Shonna J., et al.,  
Respondent-Respondent.

-----X

Respondent-Respondent K'Shonna J. having moved for leave to respond, as a poor person, to the appeals taken from two orders of the Family Court, New York County, entered on or about November 27, 2018 and November 28, 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 the certification of Emily S. Wall, Esq., dated June 12, 2019, and due deliberation having been had thereon,



It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on the Hudson, NY 10701, Telephone No. 914-439-4842, 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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:



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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 August 13, 2019.

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

-----X  
Colony Insurance Company and MYM  
Construction, Inc.,  
Plaintiffs-Appellants-Respondents,

-against-

**M-3143**  
Index No. 652031/16

Tudor Insurance Company,  
Defendant-Respondent-Appellant,

-and-

Greenside Corp.,  
Defendant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2018, and said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated June 13, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed 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 August 13, 2019.

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,  
by Barbara D. Underwood, Attorney General  
of the State of New York,  
Petitioner-Respondent,

**M-3169**  
Index No. 451130/18

-against-

Donald J. Trump, Donald J. Trump, Jr.,  
Ivanka Trump, Eric F. Trump, and The  
Donald J. Trump Foundation,  
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 23, 2018,

Now, upon reading and filing the correspondence from the attorney for respondents-appellants dated June 19, 2019, and due deliberation having been had thereon,

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

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 August 13, 2019.

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

-----X

Jack Alexander and Gretchen Alexander,  
Plaintiffs-Respondents,

-against-

**M-3197**

Index No. 162893/15

S&M Enterprises, a New York Partnership,  
Stephen Perl binder, etc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 31, 2019,

Now, upon reading and filing the stipulation of discontinuance of the parties hereto, dated April 29, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 August 13, 2019.

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

-----X

75 Broad LLC,  
Plaintiff-Respondent,

-against-

**M-3199**  
Index No. 150260/13

Vinode Ramgopal and  
Heather McCallion,  
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 9, 2018 and from the amended order of the same court, entered on or about January 3, 2019,

Now, upon reading and filing the correspondence from the attorney for defendants-appellants dated June 14, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid correspondence.

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 August 13, 2019.

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

-----X

In the Matter of  
Nazere M.,

**Confidential**  
**M-3200**

A Child Under Eighteen Years of Age  
Alleged to be Neglected by

Docket No. NN-24407/13

Nazaray M.,  
Respondent-Appellant.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about April 27, 2018,

Now, upon reading and filing the affirmation received from counsel for respondent-appellant dated May 1, 2019, and due deliberation having been had thereon,

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

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 August 13, 2019.

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

-----X  
Constance Zuniga,  
Plaintiff-Respondent,

-against-

226 East 54th St. Restaurant, Inc.,  
Defendant-Appellant,

**M-3201**  
Index No. 150473/17

-and-

Majestic Realty Associates LLC,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 26, 2018, Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated June 19, 2019, and due deliberation having been had thereon,

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

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 August 13, 2019.

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-3072**  
Ind. No. 1760/17

Lorenzo Simmons,  
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 12, 2019, 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, if represented by counsel, 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.



(M-3072)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019

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-3080**

Ind. No. 3622/15

Noel Brown,

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 22, 2019, 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, if represented by counsel, 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.

(M-3080)

-2-

August 13, 2019

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:

  
\_\_\_\_\_  
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 August 13, 2019.

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-3084**

SCI. No. 3195/18

Dashawon Livingston also known as  
Deshawon Livingston,  
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 November 8, 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3085**

Ind. No. 2160/16

Dashawon Livingston also known as  
Deshawon Livingston,  
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 November 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3087**

Ind. No. 2463/17

Deidre Brown,  
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 October 11, 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, if represented by counsel, 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.



(M-3087)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3129**  
Ind. No. 2407/17

Jennifer Rodriguez,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 13, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated June 19, 2019, and due deliberation having been had thereon,

It is ordered that the appeal is deemed 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3303  
Ind. No. 2984/18

Richard Vester,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3303)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3304**

-against-

Ind. No. 1282/18

Luis Robles,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 27, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3304)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3305**

-against-

Ind. No. 131/18

Herman Colon,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 11, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3306**

Ind. Nos. 3304/17  
59/18

Ibrahim Bah,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 11, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3307**

-against-

Ind. No. 3155/15

Alexander Arias,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 11, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3307)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3309**  
Ind. No. 1478/18

Alexandra Rubino,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3309)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3310**

-against-

Ind. No. 2773/18

Carl Miller,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3310)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3311**

Ind. Nos. 1029/18  
53964C/17

Greggory Deloach,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3312**

-against-

Ind. No. 3571/18

Tremaine Manuel,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 8, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3312)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3313**

-against-

Ind. No. 2489/18

Geovannie Nieves,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 17, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3313)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3314**

-against-

Ind. No. 4658/17

Alkim Billips,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 9, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3314)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete record.

ENTERED:



A handwritten signature in cursive script, appearing to read "Sumner R. Jones", is 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 August 13, 2019.

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,

**M-3318**

-against-

Ind. No. 4211/18

Luis Ocasio,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3319**

-against-

Ind. No. 2129/18

William Norman, also known as  
Norman William,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

(M-3319)

-2-

August 13, 2019

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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,

**M-3320**

-against-

Ind. No. 2619/16

Dairton Truitt,  
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 18, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 10, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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, if represented by counsel, 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.

Janet E. Sabel, Esq., The Legal Aid Society, 199 Water Street, 5th 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 180 days from the date of receipt of the complete 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 August 13, 2019.

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-3165**

Ind. No. 4590/07

Dwight Smith,

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 27, 2019, 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, if represented by counsel, 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.

(M-3165)

-2-

August 13, 2019

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:

  
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 August 13, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

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

**CONFIDENTIAL**

M-2726

Jethro C.,  
Petitioner-Appellant,

Docket Nos. P-3035-18  
P-3044-18  
P-3045-18

-against-

Beyonce L.K.-C. and Shawn C.C.,  
Respondents-Respondents.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal taken from three orders of dismissal of the Family Court, New York County, entered on or about March 21, 2018, and for assignment of counsel, a free copy of the transcript, for an enlargement of time to perfect said 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 deemed one to vacate the dismissal of the appeal and as such, is granted (22NYCRR 1250.10(c)), the dismissal vacated, the appeal reinstated, and the time to perfect same is enlarged to the December 2019 Term, with no further enlargements to be granted. The motion is otherwise denied as moot, said relief, to the extent warranted, having been granted by orders of this Court entered on November 20, 2018 (M-4676), January 10, 2019 (M-5733), and May 2, 2019 (M-784).

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 August 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom, Justices.

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

-against-

M-2892  
Ind. No. 2009/17

Isamael Garcia,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 11, 2019 (M-96), inter alia, granting defendant'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 January 16, 2018, under Indictment No. 2009/17, and assigning Janet E. Sabel, Esq., The Legal Aid Society, as counsel therefor,

And defendant-appellant having moved for an order granting leave to file a late notice of appeal or to deem the moving papers a timely filed notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 18, 2018, and amending the order of assignment, entered on April 11, 2019 (M-96), to include the judgment of **resentence**,

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 (1) deeming defendant's moving papers a timely filed notice of appeal, (2) amending the aforementioned order of assignment to include the appeal from the judgment of **resentence**, rendered May 18, 2018, under Indictment No. 2009/17, and (3) extending the poor person relief previously granted to cover same. 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:

  
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 August 13, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom, Justices.

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

-against-

M-2836  
Ind. No. 1947/11

Tyrell Williams,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 5, 2016 (M-2768), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 30, 2015, under Indictment No. 1947/11, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include an appeal from a judgment of **resentence**, same Court, rendered on or about May 21, 2019, under Indictment No. 1947, and for an enlargement of time to perfect said appeal,

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 amending the aforementioned order of assignment to include the judgment of **resentence**, rendered on or about May 21, 2019, under Indictment No. 1947/11, and extending the poor person relief previously granted to cover same. 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:

  
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 August 13, 2019.

Present - Hon. John W. Sweeny, Jr.,	Justice Presiding,
Judith J. Gische	
Troy K. Webber	
Marcy L. Kahn	
Peter H. Moulton,	Justices.

-----X  
In re Vsevolod Garanin,

Petitioner-Appellant,

-against-

**M-2949**

Index No. 160880/16

The City of New York Department of  
Housing Preservation and Development,  
et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on May 2, 2019 (Appeal No. 9183),

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:

  
\_\_\_\_\_  
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 August 13, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Judith J. Gische  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
Theo Chino, et al.,  
Plaintiffs-Petitioners-Appellants,

-against-

M-2829  
Index No. 101880/15

The New York Department of Financial  
Services, et al.,  
Defendants-Respondents-Respondents.  
-----X

Plaintiffs-petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 23, 2019 (Appeal No. 9076),

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:

  
CLERK



CORRECTED ORDER - SEPTEMBER 6, 2019

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 August 13, 2019.

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

-----x  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6 M-2301  
of the Family Court Act. M-2653  
----- M-2959  
Olga P.,  
Petitioner-Appellant,  
  
-against- Docket No. V-2344/19

Ioannis Y.,  
Respondent-Respondent.  
-----  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act.  
-----  
Olga P.,  
Petitioner-Appellant,  
  
-against- Docket Nos. V-3414/19  
V-3414-19/19A

Ioannis Y.,  
Respondent-Respondent.  
-----  
In the Matter of a Family Offense  
Proceeding Under Article 8  
of the Family Court Act.  
-----  
Olga P.,  
Petitioner-Appellant,  
  
-against- Docket Nos. O-3412/19  
O-3412-19/19A  
O-3412-19/19B  
  
Ioannis Y.,  
Respondent-Respondent.  
-----

- - - - -  
In the Matter of a Proceeding for  
Support Under Article 4 of  
the Family Court Act.  
- - - - -

Olga P.,  
Petitioner-Appellant,

Docket No. F-2341/19

-against-

Ioannis Y.,  
Respondent-Respondent.

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

Olga P.,  
Petitioner-Appellant,

Docket No. O-6719/19

-against-

Ioannis Y.,  
Respondent-Respondent.

-----x

Separate appeals having been taken to this Court by petitioner from the 1) Order of Dismissal of the Family Court, New York County, entered on or about April 4, 2019 (Docket No. V-2344/19); 2) the Order of Dismissal of said court entered on or about April 4, 2019 (Docket Nos. V-3414/19, V-3414-19/19A); 3) the Order of Dismissal of said court entered on or about April 4, 2019 (Docket Nos. O-3412/19, O-3412-19/19A, O-3412-19/19B); 4) the Order of said court entered on or about May 6, 2019 (Docket No. F-2341/19); and 5) the Order of Dismissal of said Court entered on or about June 3, 2019 (Docket No. O-6719/19),

August 13, 2019

And petitioner-appellant having moved, by separate motions (M-2301/M-2653/M-2959), for leave to prosecute the aforesaid appeals as a poor person, for leave to have the appeals heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, for consolidation of all of the appeals, and for other relief,

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

It is ordered that the motions (M-2301/M-2653/M-2959) are granted to the extent that the appeals are consolidated, and may be perfected by causing the original papers constituting the records on the appeals to be filed in the office of the Clerk of this Court (see 22 NYCRR 1240.5(e)) and by serving on respondent's counsel and filing with this Court an original, five hard copies and, if represented by counsel, one digital copy of a single reproduced appellant's brief, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. **The Clerk of the Family Court is directed to have transcribed the minutes of the proceedings held therein in connection with the orders on appeal, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk.** Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. 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 August 13, 2019.

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

-----X

The People of the State of New York  
ex rel. Roberto Marquez,  
Petitioner,

-against-

**M-2671**

Ind. No. 1105/17

Kia Smalls, Warden, Rikers Island,

Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus, a writ of prohibition and writ of mandamus to be issued from this Court,

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 be and the 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, Bronx County, 851 Grand Concourse, Bronx, NY 10451, forthwith, and

It is further ordered that service by mail of a copy of this 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, 1818 Hazen Street, East Elmhurst, New York, 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York, 10451, be deemed due and sufficient notice.

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 August 13, 2019.

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

-----X

Belgica Garcia,  
Plaintiff-Respondent,

-against-

M-2822  
Index No. 303831/11

Pride Contracting & Restoration Corp.,  
Defendant-Appellant,

West 170th Realty Inc., Rusi Holding Corp.,  
and American Pride Contracting Inc.,  
Defendants.

Consolidated Edison Company of New York,  
Inc.,  
Defendant-Respondent.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 4, 2019,

And an order of a Justice of this Court, dated May 3, 2019, having granted an interim stay of trial, pending the hearing and determination of the instant motion,

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 trial stayed pending the hearing and determination of the perfected 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-2859  
Ind. No. 2891/16

Fernando Rodriguez,  
Defendant-Appellant.

-----X

Defendant-appellant 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 22, 2019, 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, if represented by counsel, 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:

  
\_\_\_\_\_  
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 August 13, 2019.

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

-----x

In the Matter of the Application of  
Meopta Properties II, LLC,  
Petitioner-Respondent,

-against-

M-2890  
Index No. 157339/18

Ana Maria Pacheco,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 9, 2019, which granted petitioner-respondent's petition for a licence to enter respondent-appellant's property for sixty days in order to erect and maintain the necessary protections to respondent's building while petitioner performed certain construction work,

And respondent-appellant having moved, pursuant to 5519(c), for a stay of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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:

  
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 August 13, 2019.

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

-----X

Spurs Capital Management, LLC,  
Plaintiff-Respondent,

-against-

**M-2894**

Index No. 850128/16

Luigi Ghilardi, II, also known as  
Luigi II,  
Defendant-Appellant,

The Board of Managers of the Chelsea  
Mercantile Condominium, People of the  
State of New York,  
Defendants.

-----X

Defendant-appellant having moved for a stay of the foreclosure sale of the subject apartment pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 3, 2019, which denied defendant's motion to vacate a judgment of Foreclosure and Sale, entered by the same Court, on or about April 10, 2019,

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:

  
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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-2926  
Ind. No. 1993/14

Mario Fernandez, also known as  
Mario Fernadez,  
Defendant-Appellant.

-----X

Defendant-appellant's assigned counsel, the Office of the Appellate Defender, having moved for an order relieving it as assigned counsel or, in the alternative, dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about July 12, 2016, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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 only to the extent of deeming the appeal withdrawn, and 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-2987  
Ind. No. 6007/10

Babu McNeil,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 20, 2018 (M-3591), granting defendant-appellant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 31, 2017, and assigning Christina Swarns, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal,

And defendant-appellant's assigned counsel having moved to be relieved as such counsel, or in the alternative, for dismissal of the aforesaid appeal, without prejudice to reinstatement, at such time as defendant-appellant again becomes amenable to the jurisdiction of this Court,

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 only 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 August 13, 2019.

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

-----x  
Mackenzie-Childs of New York, LLC,  
Plaintiff-Respondent,

-against-

M-2979  
Index No. 650014/18

20 West 57<sup>th</sup> Street Realty LLC,  
Defendant-Appellant.  
-----x

Defendant-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 March 14, 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 December 2019 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 August 13, 2019.

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

-----X  
Phyllis Carcia, Deceased, by Jo-Anne  
Tavano, as Administratrix of her  
Estate,  
    Plaintiffs-Appellants,

-against-

**M-3008**

Index No. 805346/14

Leticia Gonzalez, M.D. and  
Richard Greif, M.D.,  
    Defendants-Respondents,

Richard Radna, M.D., Frank J. Maselli, M.D.,  
and St. Josephs's Medical Center,  
    Defendants.

-----X

By notices of appeals dated October 8, 2018 and November 21, 2018, separate appeals having been taken from two orders of the Supreme Court, New York County, both entered on or about September 14, 2018, and

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal pertaining to the Notice of Appeal dated November 21, 2018, and upon vacatur, for an enlargement of time to perfect the appeals from both orders,

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

(M-3008)

-2-

August 13, 2019

It is ordered that the motion is granted, the dismissal is vacated, the appeal pertaining to the Notice of Appeal dated November 21, 2018 reinstated, and the time to perfect both appeals is enlarged to the December 2019 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 August 13, 2019.

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

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

Respondent,

-against-

**M-3025**

Ind. No. 1616/17

James Rackover also known as  
James Beaudoin,

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 December 5, 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, if represented by counsel, 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.



(M-3025)

-2-

August 13, 2019

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:

  
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 August 13, 2019.

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

-----X

Yi Sun,  
Plaintiff-Appellant,

-against-

**M-3035**

Index No. 108013/10

Tsai Chung Chao, M.D. and Naturo-  
Medical Health Care, P.C.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeals taken from a judgment of the Supreme Court, New York County, entered on or about October 1, 2018 and from an order of the same court, different justice, entered on or about January 17, 2019 and for leave to have the appeals heard on the original record and upon a reproduced appellant's brief and for removal and remand of this action to Federal Court for a special investigation of the trial court Justice and defense counsel's conduct at trial, 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 and, sua sponte, the time to perfect the appeals is enlarged to the January 2020 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 August 13, 2019.

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

-----x

Hudson Insurance Company,  
Plaintiff-Respondent,

-against-

M-3038  
Index No. 155869/16

Kaleil Isaza Tuzman,  
Defendant-Appellant,

-and-

Robin Smyth,  
Defendant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the consolidated appeals taken from two orders of the Supreme Court, New York County, both entered on or about September 27, 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 consolidated appeals to the February 2020 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 August 13, 2019.

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

-----X  
W 108 Development LLC,  
Plaintiff-Appellant,

-against-

M-3049  
Index No. 654801/16

Dominick R. Pilla, Architecture-  
Engineering P.C., doing business as  
Dominick R. Pilla Associates, P.C.,  
Dominick R. Pilla and XYZ Corp.,  
Defendants-Respondents.

-----X

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 October 12, 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 December 2019 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 August 13, 2019.

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

-----x  
In the Matter of the Application of  
Flintlock Construction Services, LLC,  
Petitioner-Appellant,

For an Order Pursuant to CPLR 7503(b) M-3065  
Staying the Arbitration of a Certain Index No. 655260/18  
Dispute,

-against-

Global Precast Inc.,  
Respondent-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 30, 2019,

And petitioner-appellant having moved for a stay of arbitration pending hearing and determination of the aforesaid 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 denied, and the interim relief granted by the order of a Justice of this Court, dated June 14, 2019, is 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 August 13, 2019.

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

-----X  
Teresa Rodriguez,  
Plaintiff-Respondent,

-against-

M-3097  
Index No. 400875/12

The City of New York, et al.,  
Defendants-Respondents,

Madison on Third Corp.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 21, 2018,

And defendant-appellant having moved for an enlargement of time to perfect said appeal, which was deemed dismissed pursuant to 22 NYCRR 1250.10(a),

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 deemed one to vacate the dismissal of the appeal and as such, is granted, the dismissal is vacated, the appeal reinstated, and the time to perfect the appeal is enlarged to the January 2020 Term (see, 22 NYCRR 1250.10[c]).

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 August 13, 2019.

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

-----X  
560-568 Audubon Tenants Association,  
Miriam Ortiz, Carmen Bravo, Debora  
Del Rosario, Eva Gomez, Leslieann  
Conce, Carla Gonzalez, Quiteria  
Guzman, Elba Palaguachi, Adonia  
Jimenez, Iris Rodriguez, Alan  
Weissman, et al.,

Plaintiffs-Appellants,

**M-3101**  
Index No. 154661/16

-against-

560-568 Audubon Realty, LLC, Hayco  
Corporation, Iris Nieves, Daniel  
Gonzalez, Fred Hay and Alex Hay,

Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 14, 2018, and the ensuing judgment, same Court and Justice, entered on or about October 1, 2018,

And plaintiffs-appellants having moved for an enlargement of time to perfect their appeal to thirty days after the Court of Appeals issues a decision in Collazo v Netherland Property Assets LLC, APL-2018-00108, or in the alternative, to the March 2020 Term of this Court,

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

(M-3101)

-2-

August 13, 2019

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2020 Term, with leave to seek further enlargements if necessary.

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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3102**  
SCI. No. 2673/17

Benjamin Rucker,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 1, 2018,

And defendant-appellant having moved for leave to expand the judgment roll to include the minutes of the waiver of indictment and aborted plea,

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 directing the Clerk of the Supreme Court, Bronx County, to produce a copy of the minutes (2017BX045626) from the December 12, 2017 hearing and deliver same to defendant-appellant within 30 days of the service of this order.

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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3103  
Ind. Nos. 4326/15  
36/16

Fazil Hatim, Shameeza Hatim and  
F&S Distribution, Inc.,  
Defendant-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal taken from two judgments of the Supreme Court, New York County, both rendered on or about October 23, 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 February 2020 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 August 13, 2019.

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

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

-against-

Phillip Santo Feliciano,  
Defendant-Appellant.

**Confidential**

**M-3104**

Ind. No. 1391/16

-----X

Defendant having moved to file a late notice of appeal and 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 28, 2018, for leave to have the appeal heard 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 that branch of the motion seeking leave to file a late notice of appeal is denied as unnecessary given that pro se defendant filed a timely notice of appeal on March 27, 2018. It is further ordered that that branch of the motion seeking leave to appeal as a poor person is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4 (d)(1) and (4), setting forth facts sufficient to establish his indigency and that defendant has no funds or assets with which to prosecute the appeal. The time to perfect the appeal is enlarged to the February 2020 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 August 13, 2019.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-3106  
Ind. No. 3277/13

Angelo Burgos,  
Defendant-Appellant.

-----X

Defendant having moved for a further enlargement of time to perfect the appeal taken from two orders of the Supreme Court, New York County, entered on or about February 7, 2017 and March 21, 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 2020 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 August 13, 2019.

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

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

-against-

**M-3126**  
Ind. No. 2381/16

Vladimir Gjinaj,  
  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 6, 2019 (M-2016), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2019, and assigning Janet E. Sabel, 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 Janet E. Sabel, Esq., The Legal Aid Society, as assigned counsel to prosecute defendant's appeal; the motion to substitute retained counsel is denied as unnecessary. 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 complete 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 August 13, 2019.

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

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

-against-

Antonio Rodriguez,  
Defendant-Appellant.

M-3139  
M-3140  
Ind. Nos. 3280/15  
2912/15

-----X

Defendant-appellant's assigned counsel, the Office of the Appellate Defender, having moved for an order relieving it as assigned counsel or, in the alternative, dismissing defendant's appeals taken from judgments of the Supreme Court, Bronx County, rendered on or about July 10, 2017, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motions are granted to the extent of dismissing defendant's appeals without prejudice and striking the designation of Christina Swarns, Esq., The Office of the Appellate Defender, as assigned counsel.

ENTERED:

  
\_\_\_\_\_  
CLERK

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

Respondent

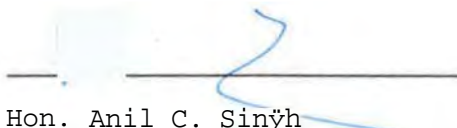
-against-

Deshaun Addison

Defendant.

M-2928  
Ind. No.  
682/16  
CERTIFICATE  
DENYING LEAVE

-----X  
I, Hon. Anil C. Singh, 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 (Barrett, J.), entered on or about May 3, 2019 is hereby denied.

  
-----  
Hon. Anil C. Singh

Associate Justice

Dated: July 9, 2019  
New York, New York

ENTERED: **AUG 13 2019**

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

BEFORE: Hon. Anil C. Singh  
Justice of the Appellate Division

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

Respondent

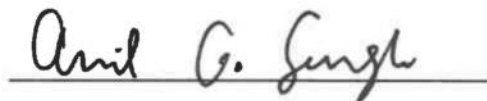
-against-

Ricardo Martinez

Defendant.

M-2927  
Ind. No.  
3216/08  
CERTIFICATE  
DENYING LEAVE

-----X  
I, Hon. Anil C. Singh, 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 (Mandelbaum, J.), entered on or about January 30, 2019 is hereby denied.



Hon. Anil C. Singh

Associate Justice

Dated: July 16, 2019  
New York, New York

ENTERED: **AUG 13 2019**