

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

Rafael Medrano, et al.,

Plaintiffs-Respondents,

-against-

Mastro Concrete, Inc., et al.,

Defendants-Appellants.

-----X

M-957  
M-3464X  
Index No. 151285/16

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about April 26, 2018 (M-957),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 9, 2019, and due deliberation having been had thereon (M-3464X),

It is ordered the appeal is withdrawn in accordance with the aforesaid stipulation (M-3464X). The motion (M-957) is denied as academic.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

Antonio Barbosa,  
Plaintiff-Appellant,

-against-

**M-3269**

Index No. 156905/13

The City of New York,  
Defendant-Respondent.

-----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 May 10, 2017,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 2, 2019, and due deliberation having been had thereon,

It is ordered that the appeal and motion are deemed withdrawn in accordance with the aforesaid correspondence.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 September 3, 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-3338**

Ind. Nos. 3828/15  
4382/17

Martin Leak,  
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated June 21, 2019, and due deliberation having been had thereon,

It is ordered that the appeal from the February 1, 2018 judgment 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 September 3, 2019.

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

-----X  
Molly Murphy, et al.,

Plaintiffs-Appellants,

-against-

M-3344  
Index No. 805259/15

Sophia Drosinos, M.D., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiffs-appellants dated July 2, 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 September 3, 2019.

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

-----X  
Lidiana Amorim, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

**M-3399**

Index No. 650008/16

The Metropolitan Club, Inc.,  
Defendant-Respondent-Appellant.

-----X  
Stuart Button, et al., and all others  
similarly situated,  
Plaintiffs-Appellants-Respondents,

-against-

Index No. 656625/17

The Metropolitan Club, Inc,  
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal (Cal. No. 2019-1701) having been taken from an order of the Supreme Court, New York County, entered on or about December 13, 2018,

Now, upon reading and filing the notice of withdrawal of appeal from counsel for defendant-respondent-appellant dated July 8, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

Neighborhood Restore HDFC,  
Plaintiff-Respondent,

-against-

Hyder Binjameel and Maryam Binjameel,  
Defendants-Appellants,

M-3401  
Index No. 190921/14

-and-

Abdallah Binjameel,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2019,

Now, upon reading and filing the correspondence from the attorney for defendants-appellants dated July 1, 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 September 3, 2019.

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

-----X  
The City of New York,  
Plaintiff-Appellant,

-against-

**M-3404**  
Index No. 42420/17

Jagoda Realty Company, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2018 and July 10, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 9, 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 September 3, 2019.

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

-----X  
Yacouba Traore,

Plaintiff-Appellant,

-against-

M-3406  
Index No. 156640/14

Metropolitan Transit Authority, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2018,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant dated July 8, 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 September 3, 2019.

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

-----X

333 East 66th Street Corp.,  
Plaintiff-Respondent,

-against-

**M-3408**

Index No. 651084/13

Johnson Controls, Inc.,  
Defendant-Appellant,

-and-

Manhattan Air Conditioning Company,  
Defendant.

-----X

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

Now, upon reading and filing the correspondence from counsel for defendant-appellant dated July 2, 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 September 3, 2019.

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

-----X  
In Re: New York City Asbestos Litigation  
-----X

Donna Colado, as personal representative  
for the Estate of Gerald E. Colado,  
Plaintiff-Respondent,

-against-

**M-3439**  
Index No. 190380/17

Aurora Pump Company,  
Defendant-Appellant,

Armstrong International, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 12, 2019,

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

It is ordered that the appeal, previously perfected, 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 September 3, 2019.

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

-----X  
Alexandra Mylon,

Plaintiff-Respondent,

-against-

M-3471X  
Index No. 151849/17

Andrew R. Leibowitz, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 11, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 9, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X  
148 Post Avenue Corp.,

Plaintiff-Respondent,

-against-

**M-3472X**

Index No. 100298/12

Jerry DeWaters, Inc.,

Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 14, 2019,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 2019, and due deliberation having been had thereon,

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

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----x

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

**CONFIDENTIAL**

M-3052

Veronica C.,  
Petitioner-Respondent,

Docket No. O-20816-17

-against-

Ariann D.,  
Respondent-Appellant.

Janet E. Sabel, Esq., The Legal Aid  
Society, Attorney for the Children.

-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, New York County, both entered on or about May 10, 2019, 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 Sabrina Tann, 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 Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq. 366 N. Broadway, Suite 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA**

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

**1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, within 60 days of the filing of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

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

-----  
Mamadou O.,  
Petitioner-Respondent,  
  
-against-

**CONFIDENTIAL**

M-3055  
Docket Nos. V-21579-15  
V-21579-15/16A  
V-22037-15  
V-22037-15/16A

Jeanine H.,  
Respondent-Appellant,  
-----x

Respondent-appellant mother, having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about January 12, 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 Lourdes Reyes, Esq., dated February 7, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 N. Broadway, Suite 410, Jericho, New York, 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See, M-3053, dated September 3, 2019, released simultaneously herewith.)

ENTERED:



CLERK

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

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

- - - - -  
Mamadou O.,  
Petitioner-Respondent,  
  
-against-

**CONFIDENTIAL**  
M-3053  
Docket Nos. V-21579-15  
V-21579-15/16A  
V-22037-15  
V-22037-15/16A

Jeanine H.,  
Respondent-Appellant.

-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about January 12, 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 Ramonita Cordero, Esq., dated June 13, 2019, and due deliberation having been had thereon, it is

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, No. 576, Hastings on Hudson, New York, 10701, Telephone No. 914-439-4843, 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

(M-3053)

-2-

September 3, 2019

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. (See, M-3055, dated September 3, 2019, released simultaneously herewith.)

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X  
In the Matter of

Anais G.

**CONFIDENTIAL**

M-3091

Docket Nos. NA-34148-16  
AS-6121-18  
B-4223-18

A Child Under 18 Years of Age Alleged to  
be Severely Abused, Neglected/Abused  
Under Article 10 of the Family Court Act.

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

-against-

Lionell M.,  
Respondent-Appellant,

Antoine G., Leasondra G.,  
Respondents,

- - - - -  
Janet E. Sabel, Esq., The Legal Aid  
Society, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, New York County, entered on or about November 2, 2018 and on or about December 10, 2018, and from the Amended Fact Finding and Dispositional Order entered on or about May 2, 2019, 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 Kao Pin Lew, Esq., dated June 3, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq.,

366 N. Broadway, Suite 410, Jericho, New York 11753, Telephone No. 516-942-4221, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-3498 decided simultaneously herewith).

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

In the Matter of the Guardianship and Custody of

Ravine Sean H.,

A Child Under 18 Years of Age  
Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

**CONFIDENTIAL**

M-3325

Docket No. B-441/16

-----  
Catholic Guardian Services, et al.,  
Petitioners-Respondents,

Delois C., also known as Delois H.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 23, 2019, 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 Lisa M. Licata, Esq., dated June 28, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

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 September 3, 2019.

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

-----X  
In the Matter of the Guardianship and  
Custody of

Raymond Leon H., Jr.,

Pursuant to §384-b of the Social Services  
Law of the State of New York and/or  
Article 6 of the Family Court Law.

CONFIDENTIAL

M-3326

Docket No. B-00442/16

- - - - -  
Commissioner of Social Services  
and Catholic Guardian Society,  
Petitioners-Respondents,

Delois C., also known as Delois H.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 23, 2019, 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 Lisa M. Licata, Esq., dated June 28, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) **assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal;** (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-3325, decided simultaneously herewith). The designation of Daniel Katz, Esq. as attorney for respondent-appellant is stricken.**

ENTERED:

  
CLERK

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

In the Matter of

Avrie P., and  
Thomas P., Jr.,

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

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

**CONFIDENTIAL**

M-3339  
Docket Nos. NN-14243/18  
NN-14244/18

Meliza T.,  
Respondent-Appellant.

- - - - -  
Janet E. Sabel, Esq., The Legal Aid Society,  
Attorney for the Child Avrie P.,  
Craig Marshall, Esq.,  
Attorney for the Child Thomas P.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 20, 2019, 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 Bryan Greenberg, Esq., dated July 1, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bryan Greenberg, Esq., 1177 Avenue of the Americas, 5th Floor, New York, N.Y. 10036, Telephone No. 347-897-6672, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X  
In the Matter of

Nylah E.

A Child Under 18 Years of Age Alleged  
to be Neglected/Abused Under  
Article 10 of the Family Court Act.

**CONFIDENTIAL**

M-3340

Docket No. NN-22799-18

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

-against-

Noemi C.,  
Respondent-Appellant,

Theodore E.  
Respondent-Respondent,

- - - - -  
Janet E. Sabel, Esq., The Legal Aid  
Society, Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders of the Family Court, Bronx County, entered on or about June 5, 2019 and on or about June 12, 2019, 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 Bryan Greenberg, Esq., dated July 1, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel Katz, Esq., 339 West 88th

Street, No. 3, New York, New York 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

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

Edwin P.,  
Petitioner-Appellant,

-against-

**CONFIDENTIAL**

M-3341

Jenny Laritza B.,  
Respondent-Respondent.

Docket No. P-18506-18

-----  
Michael DeMattio, Esq.,  
Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 22, 2019, 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 Robert A. Leder, Esq., dated July 3, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Daniel Katz, Esq., 339 West 88<sup>th</sup> Street, # 3, New York, NY 10024, Telephone No. 917-886-5620, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

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

Louis B.,  
Petitioner-Respondent,  
  
-against-

**CONFIDENTIAL**  
M-3419  
Docket Nos. V-15369-06/18B  
V-2062-07/18B

Jennifer L.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about June 18, 2019, 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 David R. Kirsch, Esq., dated July 8, 2019, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite 1510, New York, NY 10007, Telephone No. 212-227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
CLERK

---

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-2532  
Ind. Nos. 2272/18  
3359/18

Shawn Jones,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two judgments of the Supreme Court, New York County, both rendered on or about April 30, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-2538**

Ind. No. 2853/17

Jamine Traylor,

Defendant-Appellant.  
-----X

Defendant having moved for limited poor person relief concerning the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 8, 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 directing the court reporter to 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.

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 September 3, 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-2560  
Ind. No. 1870/17

Ismael Barrientos,  
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 September 7, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 September 3, 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-2625  
Ind. No. 1681/16

Allen Perry,  
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 September 27, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 September 3, 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-2684**  
Ind. No. 478/19

Ryan Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 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.



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-

**SEALED**

M-2686

Ind. No. 3118/17

Monecha D. S.,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 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 September 3, 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-2695  
Ind. No. 3579/17

Ronnie Johnson,  
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 29, 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.

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 September 3, 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-2832**  
Ind. No. 2923/05

Devin Keitt,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about January 19, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-2861**

Ind. No. 4112/17

Ramon Cepeda,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 4, 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 September 3, 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-2888  
Ind. No. 757/18

Herminio Vera,  
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 February 4, 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 September 3, 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-3033  
Ind. No. 239/16

Shavaughn Armstead,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 8, 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

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 September 3, 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-3064  
Ind. No. 422N/19

Odel Rhodes,  
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 April 30, 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 September 3, 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-3107  
Ind. Nos. 406/18  
2863/17

Steven Espinal,  
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, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.



Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3120  
SCI. No. 639/19

Wilmari Dairy Chirinos,  
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 February 25, 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 September 3, 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,

**CONFIDENTIAL**

M-3151

-against-

Ind. No. 899/18

Antonio Lugo,  
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 October 23, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 September 3, 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-3180

Ind. No. 1734/16

Brandon Garcia,

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 April 3, 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3153  
Ind. No. 513/17

Kevin Spruill,  
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 16, 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.



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. (See, M-3154, dated September 3, 2019, released simultaneously herewith.)

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3154  
Ind. No. 722/17

Kevin Spruill,  
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 16, 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.

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. (See, M-3153, dated September 9, 2019, released simultaneously herewith.)

ENTERED:



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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3226  
Ind. No. 2254/18

Gage Quinones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 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. (See, M-3227, dated September 3, 2019, released simultaneously herewith.)

ENTERED:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. Below the line, the word "CLERK" is printed in a simple, sans-serif font.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3227  
Ind. No. 4007/18

Gage Quinones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 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. (See, M-3226, dated September 3, 2019, released simultaneously herewith.)

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3256  
Ind. No. 1539/17

Darlin Feliz,

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 17, 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 September 3, 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-2964  
Ind. No. 2220/16

Hugo Torres Martinez,  
Defendant-Appellant.

-----X

Defendant-appellant 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 1, 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 deeming the moving papers as 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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Peter Tom  
Barbara R. Kapnick  
Peter H. Moulton, Justices.

-----X  
Frank M. Weiser, et al.,  
Plaintiffs-Appellants,

-against-

**M-2879**

Index No. 655851/16

Citigroup, Inc., et al.,  
Defendants-Respondents,

Susanne Strows, et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 25, 2019 (Appeal No. 9099),

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, to the extent it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on April 25, 2019 (Appeal No. 9099) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 9099, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 September 3, 2019.

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

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

- - - - -  
Antwan M.,  
Petitioner-Respondent,

**CONFIDENTIAL**

M-3205

-against-

Docket Nos. V-10349/17  
V-5270/18

Corinne Frances B.  
Respondent-Appellant.

V-5270/18/18A

- - - - -  
Shirim Nothenberg, Esq., Lawyers for  
Children, Attorney for the Child.

-----X  
Appeals having been taken to this Court by respondent-appellant from orders of the Family Court, New York County, entered on or about March 8, 2018, December 5, 2018, December 17, 2018, and three orders entered on or about May 7, 2018,

And an order of this Court having been entered on September 13, 2018 (M-3071), inter alia, consolidating the appeals from the orders entered on or about May 7, 2018, and continuing the interim stay granted by the order of a Justice of this Court, dated June 14, 2018, pending hearing and determination of the consolidated appeals,

And attorney for the child, Shirim Nothenberg, Esq., Lawyers for Children, Inc., having moved for clarification of the order of this Court entered on August 2, 2018,

Now, upon reading and filing the correspondence from counsel for the child, Shirim Nothenberg, Esq, Lawyers For Children, dated August 1, 2019, and due deliberation having been had thereon,

(M-3205)

-2-

September 3, 2019

It is ordered that the motion 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 September 3, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

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

-against-

M-2627  
Ind. No. 1367/16

Trenton Pointer,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 16, 2019 (M-936) granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 1, 2018, 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., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven A. Feldman, Esq., 626 EAB Plaza, West Tower, 6th Floor, Uniondale, NY 11556, Tel. No. (516) 522-2828 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the receipt 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 September 3, 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,

**CONFIDENTIAL**

M-2914

-against-

Ind. No. 6551/02

Mario Tingling,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Merchan, J.), entered on or about May 3, 2019, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Merchan as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.



(M-2914)

-2-

September 3, 2019

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 September 3, 2019.

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

-----X

3394 3rd Avenue LLC,  
Plaintiff-Respondent,

-against-

M-3009  
Index No. 382509/09

Lusky Abhiva,  
Defendant-Appellant,

New York City Transit Adjudication  
Bureau, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from orders of the Supreme Court, Bronx County, entered on or about March 6, 2016 and February 6, 2019,

And defendant-appellant having moved to stay foreclosure proceedings and the sale of a certain property 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, said appeal having been dismissed by an order of this Court entered on July 23, 2019 (M-2583).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3158  
Ind. No. 2830/16

Salvador Flores Cala, also known as  
Salvador Flores-Cala,  
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 February 28, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, 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 September 3, 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-3159**  
Ind. No. 445/14

Kalief Jackson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 11, 2019 (M-6446), 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 July 9, 2015, under Indictment No. 445/14, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel therefor,

And defendant-appellant having moved for an order amending the order of assignment to include the judgment of **resentence**, rendered on or about May 14, 2019,

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 14, 2019, and extending the poor person relief previously granted to cover same.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3191

SCI. No. 2514/18

Josue Pagan-Montalvo,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2019, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

And an order of this Court having been entered July 16, 2019 (M-2646) deeming defendant-appellant's notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2019, as timely filed,

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, in light of this Court's order dated July 16, 2019 (M-2646). Defendant's motion for poor person relief 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 September 3, 2019.

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

-----x

Edward Higgins,  
Plaintiff-Respondent,

-against-

M-3218  
Index No. 24722/13E

TST 375 Hudson, L.L.C., TST 375 Hudson Corp., Americon Construction, Inc., Emcor Services New York/New Jersey, Inc.,  
Defendants-Respondents-Appellants,

-and-

ADCO Electrical Corp.,  
Defendant-Appellant-Respondent.

-----x

[And third-party actions]

-----x

Appeals having been taken to this Court by defendant/third-party defendant/fifth third-party plaintiff-appellant-respondent, ADCO Electrical Corp. and by second third-party defendants/third third-party defendants/fourth third-party defendants/fifth third-party defendants-appellants-respondents OMC. Inc. And OMC Sheet Metal Inc., from the orders of the Supreme Court, Bronx County, entered on or about July 24, 2018, and on or about November 29, 2018, and said appeals having been perfected,

And cross-appeals having been taken to this Court by defendant/third-party plaintiff, Americon Construction Inc. (Americon), from the aforesaid orders of the Supreme Court, Bronx County, entered on or about July 24, 2018, and on or about November 29, 2018,

And Americon having moved pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the aforementioned cross appeals and, upon vacatur, for an enlargement of time to perfect same,



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 reinstating American's cross appeals and enlarging the time to perfect same to the December 2019 Term, to which Term the appeals and cross appeals are adjourned.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3237**

Ind. No. 4432/18

Roberto Saintkitts,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 12, 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 as 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.

(M-3237)

-2-

September 3, 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 September 3, 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-3238**  
Ind. No. 2234N/18

Godfrey Coggins,  
Defendant-Appellant.

-----X

Defendant having moved pursuant to CPL 460.30 to deem the moving papers a timely filed notice of appeal or, in the alternative, for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 27, 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 deeming the notice of appeal as timely filed 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.

(M-3238)

-2-

September 3, 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 September 3, 2019.

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

-----x  
Vanessa Peterson,  
Petitioner,

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

-against-

**M-3247**  
Ind. No. 101604/17

New York City Housing Authority,  
Respondent.

-----x

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 16, 2018, to review a determination of The New York City Housing Authority,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and a reproduced petitioner's brief, and for an enlargement of time to perfect same,

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

It is ordered that the motion is denied, with leave to move, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the proceeding and for an enlargement of time to perfect said proceeding.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3253**  
Ind. No. 2301/17

Denny Guerrero,  
Defendant-Appellant.

-----X

Defendant having moved to deem the moving papers a timely filed notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 2, 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 notice of appeal as timely filed 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.

(M-3253)

-2-

September 3, 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 September 3, 2019.

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

-----X  
Clephane B. Burgess, et al.,

Plaintiffs-Appellants,

-against-

M-3275  
Index No. 308376/12

Avignon Taxi, LLC, et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a further enlargement of time to perfect the appeals taken from two orders of the Supreme Court, Bronx County, entered on or about October 29, 2015, and January 28, 2016,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the March 2020 Term, with leave to seek further enlargements if the bankruptcy stay has not been lifted.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X

Sunlight General Capital LLC,  
Plaintiff-Respondent,

-against-

**M-3281**

Index No. 157935/12

Effisolar Energy Corporation,  
Defendant-Appellant,

CJS Investments Inc., Clean Jersey  
Solar LLC,  
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 18, 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 as unnecessary given that the appeal has been dismissed pursuant to 22 NYCRR 1250.10(a).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

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

-----X  
Henryk Lampkowski,  
Plaintiff-Appellant,

-against-

M-3333  
Index No. 805213/15

Raul Parra, M.D. and Memorial  
Kettering Cancer Center,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, entered on or about February 15, 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 September 3, 2019.

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

-----X

Eric Rowe,  
Plaintiff-Respondent-Appellant,

-against-

**M-3349**

Index No. 155902/12

Strike Force of New Jersey, Inc.,  
Defendant-Appellant-Respondent,

-and-

AEG Live LLC, AEG Live Productions, LLC,  
AEG Live NY, LLC, Mariel's Tours,  
LLC, Mariel's Tours, Inc., and Armando  
Perez, also known as Pitbull,  
Defendants-Respondents.

-----X

Defendant-appellant-respondent having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about June 5, 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 September 3, 2019.

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

-----X  
Maria Machado,  
    Plaintiff-Appellant,

-against-

**M-3354**

Index No. 152361/16

United Medical Practice Associates,  
P.C., doing business as United  
Medical Practice Associates-  
Cardiology and Mount Sinai Doctors  
Faculty Practice, The St. Luke's  
Roosevelt Hospital Center doing  
business as Mount Sinai St. Luke's  
and Mount Sinai West,  
    Defendants-Respondents.

-----X

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about October 5, 2018, and upon vacatur, 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 the motion is granted, the dismissal vacated, the appeal reinstated, and the time to perfect same 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 September 3, 2019.

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

-----X  
Robert Moskowitz as Trustee of the  
Moskowitz Children Irrevocable Trust,  
  
Plaintiff-Respondent,

-against-

Tribeca Hospitality Corp., doing  
Business as The Greek,

Defendant-Appellant.  
-----X

**M-3365**  
Index No. 159188/13

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 April 3, 2018,

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

It is ordered that the motion is granted and the time to perfect said appeal 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 September 3, 2019.

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

-----X  
Bellflower Funding, LLC,

Plaintiff-Respondent,

-against-

**M-3374**

Index No. 650836/17

Felice Disanza, Twelve Bee Corporation, LLC., 42-21 214th Realty LLC, David Ebrahimzadeh, Ronald McInerney, Jr., Domus Appraisals,

Defendants,

The Law Firm of Adam Kalish, P.C.,

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 January 30, 2018,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 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 September 3, 2019.

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

-----X  
Natalie Krodel,

Petitioner-Appellant,

-against-

**M-3375**

Index No. 152176/14

Amalgamated Dwellings, Inc.,  
Abraham Bragin, Lyn Kest and  
Zena Cohen,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeals taken from two orders of the Supreme Court, New York County, both entered on or about October 11, 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 appeals 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 September 3, 2019.

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

Justice Presiding,  
  
Justices.

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

-against-

Jeremy Singleton,  
Defendant-Appellant.  
-----X

M-3384  
Ind. No. 910/16

An order of this Court having been entered on December 20, 2018 (M-5320), granting defendant leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 27, 2018, and assigning Justine M. Luongo, Esq., predecessor counsel to 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., as assigned counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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 Claim of

Claudette Atkinson,  
Petitioner-Respondent,

-against-

M-3436  
Index No. 29358/18E

New York City Health and Hospitals  
Corporation and Alina Purcea, M.D.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 13 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 granted to the extent of enlarging the time to perfect the appeal 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 September 3, 2019.

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

-----x  
Joseph M.,

Plaintiff-Respondent,

-against-

**CONFIDENTIAL**

M-3440

Index No. 3360/11

Jacquelin M.,  
Defendant-Appellant,

-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about April 18, 2019,

And defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the aforesaid appeal, 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 said motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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-3490  
Ind. No. 1886/12

Jamel Santiago,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about December 11, 2014,

And an order of this Court having been entered on July 19, 2018 (M-2606), inter alia, extending a previously granted stay of execution of sentence and bail, reinstated by the order of this Court entered on July 14, 2015, as corrected on April 5 2018, upon the original terms and conditions, and on further condition the appeal is perfected for the December 2018 Term,

And defendant-appellant having moved for an extension of the previously granted stay of execution of sentence and bail pending hearing and determination 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 granted, and the stay of execution of sentence and bail is continued pending hearing and

determination of the appeal, and on the original terms and conditions and on further condition defendant-appellant perfects the appeal for 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 September 3, 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

Anais G.,

A Child Under 18 Years of Age Alleged  
to be Neglected/Abused Under  
Article 10 of the Family Court Act.

**CONFIDENTIAL**  
M-3498  
Docket No. NA-34148/16

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

Lionell M.,  
Respondent-Appellant.

-----X

An order of this Court having been entered on May 16, 2019, corrected May 23, 2019 (M-78) granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, New York County, entered on or about November 2, 2018 and December 10, 2018, deemed to be a valid notice of appeal from the orders of the Family Court, New York County, entered on or about January 18, 2019, and assigning Andrew J. Baer, Esq., as counsel to prosecute the appeal,

And assigned counsel having moved to withdraw the appeal as moot, and to be relieved as counsel,

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 (See M-3091 decided simultaneously herewith).

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 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 Support Under Article 4 of the  
Family Court Act.

- - - - -  
Marnie Ann J.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
M-3213  
M-3413  
Docket No. F-36091-15/15A

-against-

Marco B.,  
Respondent-Appellant.

-----x  
An appeal having been taken by respondent-appellant, Marco B., pro se, from an Order of Commitment of the Family Court, New York County, entered on or about May 30, 2019,

And respondent-appellant having moved for a stay of enforcement of the aforesaid order of commitment pending hearing and determination of the appeal (M-3213); and for leave to prosecute the appeal as a poor person, and for assignment of counsel and related relief, (M-3413),



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

Ordered that the motions (M-3213 & M-3413) are denied.

ENTERED:

  
CLERK

CORRECTED ORDER – September 26, 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 September 3, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x  
In the Matter of

Matthew C.,  
Xavier C.,  
Mia L., and  
Cecily J.,

CONFIDENTIAL  
M-2386  
Docket Nos.  
NN-17182-85/15

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

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

Joshua L.,  
Respondent-Appellant.

- - - - -  
Randall Carmel, Esq., Attorney for  
the Subject Child Cecily J.

- - - - -  
Jo Ann Douglas, Esq., Attorney for  
the Children Matthew C. and Xavier C.

- - - - -  
Aleza Ross, Esq., Attorney for  
the Child Mia L.

-----x  
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 7, 2017, and said appeal having been perfected,

And an order of this Court having been entered on August 9, 2018 (M-3301), substituting Randall Carmel, Esq., as counsel for the subject children, and adjourning the appeal to the **January 2020** Term,

And an order of this Court having been entered on October 13, 2018 (M-4173), substituting Jo Ann Douglas, Esq., as

counsel for the children Matthew C. and Xavier C., and Aleza Ross, Esq., as counsel for the child Mila L., and adjourning the appeal to the February 2019 Term,

And an order of this Court having been entered on March 7, 2019 (M-602), denying Randall Carmel, Esq.'s motion to be relieved as counsel, with leave to renew, upon proof of service of the moving papers upon the subject child Cecily J., at her last known address, and adjourning the appeal to the September 2019 Term,

And Randall Carmel, Esq., upon compliance with the specific conditions set forth in the prior order of this Court entered on March 7, 2019, (M-602), having renewed his motion to be relieved as counsel for the subject child Cecily J.,

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 Randall S. Carmel, Esq., as assigned counsel for the child Cecily J., and substituting, pursuant to Section 722 of the County Law, Larry S. Bachner, P.C., Esq., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York 10006, Telephone No. 917-674-9516, as counsel to the child Cecily J..

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 3, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x

Steven M. Knobel,  
Plaintiff-Appellant,

-against-

M-3137

Index No. 656660/17

Demba Wei, LLP, Eric Wei and Wei LLP,  
doing business as Wei Group, LLP,  
Defendants-Respondents.

-----x

Plaintiff-appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 13, 2018, and upon vacatur, 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 the motion is granted to the extent of vacating the dismissal, reinstating the appeal, and enlarging the time to perfect same 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 September 3, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x  
Marine Bulkheading, Inc.,  
Plaintiff-Respondent,

-against-

M-3503  
Index No. 302497/08

Generation Next of Zerega, LLC,  
Defendant-Appellant,

E&Y Development of NY, LLC,  
Defendant.

-----x

An appeal having been taken to this Court from an order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about March 29, 2019, which, inter alia, awarded plaintiff judgment against defendants in the amount of \$1,476,158.04 and directed that the subject property to be sold at public auction to satisfy the judgment,

And defendant-appellant having posted an undertaking on appeal in the amount of \$1,845,198,

And defendant-appellant having moved for an order: (i) discharging the mechanic's lien filed by plaintiff-respondent, pursuant to N.Y. Lien Law § 19(4)(a), and staying enforcement of the aforesaid order and judgment based on the filing of the aforesaid undertaking; (ii) terminating or cancelling the scheduled public auction sale based on the discharge of said mechanic's lien; (iii) declaring the aforementioned undertaking sufficient and that an automatic stay, regarding the enforcement of the aforesaid order and judgment, was duly effectuated on June 27, 2019, pursuant to CPLR § 5519(a)(2), or (iv) in the alternative, if this Court finds the amount of the undertaking insufficient, declaring that the automatic stay was effectuated, provided that within 30 days of the date hereof defendant-appellant files an undertaking in an amount fixed by this Court, or, as a second alternative, granting a discretionary stay of the aforesaid order and judgment,

And an interim stay of the auction sale, scheduled for July 29, 2019, having been granted by an order of a Justice of this Court dated July 16, 2019, pending the determination of the 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 to the extent of declaring that enforcement of the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about March 29, 2019 is automatically stayed, pending hearing and determination of the appeal taken therefrom, based upon defendant-appellant's posting of the undertaking in the amount of \$1,845,198.00 (see CPLR 5519(a)(2)).

ENTERED:

  
CLERK

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

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

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

M-3668  
Ind. No. 4069/2007

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Willie Harris,  
Defendant-Appellant.

-----x  
I, Dianne T. Renwick, a Justice of the Appellate Division,  
Supreme Court, First Department, do hereby certify that in the  
record and proceedings herein\* questions of law are involved  
which ought to be reviewed by the Court of Appeals and pursuant  
to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named  
appellant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: August 8, 2019  
New York, New York

ENTERED: SEP 03 2019

\*Description of Order:

Judgment, Supreme Court, New York County, rendered on February  
21, 2008, as amended July 21, 2008, App. Div., First Dept.,  
Appeal No.9073, Affd on June 25, 2019.

Notice: Within 10 days from the issuance of this certificate,  
a preliminary appeal statement must be filed with the  
Clerk of the Court of Appeals pursuant to Rule 500.9  
of the Court of Appeals Rules.

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

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

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

M-3591  
Ind. No. 3595/14

-against-

CERTIFICATE  
GRANTING LEAVE


Aaron Johnson,  
Defendant-Appellant.

-----X  
I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Robert Stolz, J.), entered on or about May 29, 2019.<sup>1</sup>

Dated: August 8, 2019  
New York, New York

**ENTERED**

SEP 03 2019

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

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

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



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

BEFORE: Peter H. Moulton  
Justice of the Appellate Division

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

M-3146  
Ind. No. 2417/16

-against-


CERTIFICATE  
DENYING LEAVE

Angel Garcia,  
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 (Clott, J.) entered on or about May 2, 2019, is hereby denied.

Dated: July 22, 2019  
New York, New York

  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: SEP 03 2019

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

BEFORE: Peter H. Moulton  
Justice of the Appellate Division

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

M-3148  
Ind. No. 2675/08  
3920/08


-against-

CERTIFICATE  
DENYING LEAVE

Davon Bailey,  
Defendant.

-----X  
I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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.) dated April 12, 2019, is hereby denied.

Dated: July 23, 2019  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: SEP 03 2019

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

BEFORE: Peter H. Moulton  
Justice of the Appellate Division

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

M-3241  
Ind. No. 940/11  
4675/09

-against-


CERTIFICATE  
DENYING LEAVE

Shajohnny Santana,  
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 (Obus, J.) dated May 31, 2019, is hereby denied.

Dated: July 22, 2019  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: SEP 03 2019

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

BEFORE: Peter H. Moulton  
Justice of the Appellate Division

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

M-3385  
Ind. No. 10/2013

-against-


CERTIFICATE  
DENYING LEAVE

Martin Hobbs,  
Defendant.

-----X

I, Peter H. Moulton, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 (Farber, J.) entered on or about June 11, 2019, is hereby denied.

Dated: July 22, 2019  
New York, New York

  
\_\_\_\_\_  
Hon. Peter H. Moulton  
Associate Justice

ENTERED: SEP 03 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 September 3, 2019.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Ellen Gesmer  
Cynthia S. Kern, Justices.

-----x  
In the Matter of

Capital Enterprises Co.,  
Petitioner-Appellant,

-against-

**SEALED**  
M-6809  
Index No. 653961/16

Alvin Dworman,  
Respondent-Respondent,

Sachs Investing Company, et al.,  
Non-Party Appellants.

-----x

Appeals having been taken to this Court by petitioner-appellant from the orders of the Supreme Court, New York County, entered on or about May 14, 2019 (Cal. No. 2019-4302) and May 17, 2019 (Cal. No. 2019-4401), and said appeals having been perfected for the September 2019 Term,

And a further appeal having been taken to this Court by petitioner-appellant from the order of the Supreme Court, New York County, entered on or about July 19, 2019 (Cal. No. 2019-5508), and said appeal having been perfected for the October 2019 Term,

And petitioner-appellant having moved to consolidate the appeals from the orders entered on or about May 14, 2019 (Cal. No. 2019-4302) and May 17, 2019 (Cal. No. 2019-4401), with the appeal from the order entered July 19, 2019 (Cal. No. 2019-5508), adjourning the appeals from the orders entered on or about May 14, 2019 and May 17, 2019 to the October 2019 Term, 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 directing the Clerk to calendar the appeals from the orders entered May 14, 2019 (Cal. No. 2019-4302) and May 17, 2019 (Cal. No. 2019-4401), with the appeal from the order entered July 19, 2019 (Cal. No. 2019-5508), to be heard together for the October 2019 Term, to which Term the appeals from the orders entered May 14, 2019 (Cal. No. 2019-4302) and May 17, 2019 (Cal. No. 2019-4401) are adjourned. The stay granted by the order of this Court entered on May 31, 2019 (M-2508), is continued pending hearing and determination of the consolidated appeals.

ENTERED:

  
\_\_\_\_\_  
CLERK