

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against-

M-761
Ind. No. 6622/05

Donald Medard,
Defendant-Appellant.

-----X

The People having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 21, 2006, for failure to timely perfect,

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 unless the appeal is perfected for the September 2017 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 April 27, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Dianne T. Renwick
Karla Moskowitz
Marcy L. Kahn,, Justices.

-----X
CP JBAM Holdings LLC,
Plaintiff-Appellant,

-against-

M-1603

Index No. 651630/16

Ira Shapiro, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 9, 2017, and said appeal having been perfected for the June 2017 Term,

And, plaintiff-appellant having moved for a calendar preference for their appeal within the June 2017 Term,

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

Ordered that the motion is granted to the extent of granting plaintiff a calendar preference with the first two weeks of the June 2017 Term. The Clerk of this Court is directed to calendar said appeal for a date within the first two weeks of the June 2017 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 April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-954
Ind. No. 286/93

Joseph McNeil,
Defendant-Appellant.

-----X

Defendant pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 27, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief, pursuant to a Certificate Granting Leave (M-3810) issued by an order of a Justice of this Court on September 22, 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 permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Seymour W. James, Jr., Esq., 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 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Ted Costa,
Defendant-Appellant.

M-1416
Ind. Nos. 3985N/12
4679/13

-----X

Appeals having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 16, 2014, and February 4, 2015 (under Indictment Nos. 3985N/12 and 4679/13 respectively), and said appeals having been perfected,

And, the People having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted, the appeals are consolidated, and are adjourned to the October 2017 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 April 27, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

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

-against-

M-1357
Ind. No. 4179/14

Justin Gonzalez,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 10, 2017 (M-6435), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 22, 2016, and assigning counsel therefor,

And, defendant-appellant having moved for an order granting leave to file an untimely notice of appeal from the judgment of **resentence** of said Court, rendered on or about November 10, 2016, and amending the above order of assignment to include 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 deeming the moving papers a timely filed notice of appeal and amending the order of assignment (M-6435), entered February 10, 2017, to include the judgment of **resentence**, rendered on or about November 10, 2016, under Indictment No. 4179/14, and extending the poor person relief to cover the 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 April 27, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

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

-against- M-970
Ind. No. 1397/10

Tamaz Hubel,
Defendant-Appellant.

-----X

Defendant-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 8, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **resentence**. 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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber, Justices.

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

-against-

M-1243
Ind. No. 2515/13

Alexx Kinley,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 15, 2015 (M-3752), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th 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 April 27, 2017.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Troy K. Webber
Ellen Gesmer, Justices.

-----X

Denise James,
Plaintiff-Respondent,

-against-

M-1263
Index No. 17396/06

1620 Westchester Avenue LLC, et al.,
Defendants-Appellants.

-----X

Defendants-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 February 21, 2017 (Appeal No. 2395N),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber, Justices.

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

-against-

M-1069
Ind. No. 5/14

Charles Evans,
Defendant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 23, 2014,

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

It is ordered that the motion is denied. (CPL 460.30 subd. 1.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Sallie Manzanet-Daniels
Paul G. Feinman
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Little Cherry, LLC,
Plaintiff-Respondent-Appellant,

-against-

M-1244
Index No. 653817/14

Two Bridgeset Housing Development
Fund Company, et al.,
Defendants-Appellants-Respondents.
-----X

Plaintiff-respondent-appellant 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 January 31, 2017 (Appeal No. 2921),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

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

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

-against-

M-1505
Ind. No. 1717/13

Ronald Ways,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 1, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 21, 2017, 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 April 27, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

CONFIDENTIAL

M-1543

-against-

SCI. No. 99072/16

Roberto C.,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about February 24 2017, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's

counsel, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 Esq., 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 120 days from the date of filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

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

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

-against-

M-1700
Ind. No. 291/15

Steven Gonzalez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 2, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 28, 2017, 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 April 27, 2017.

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

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

-against-

M-1701
Ind. No. 4132/12

Lamar Brewer,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 9, 2017, 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 April 27, 2017.

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

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

-against-

M-1703
Ind. No. 325N/16

Evelyn Caleb,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated February 28, 2017, 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 April 27, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-1725
Case No. 61125C/13

Malik Bah,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 24, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated March 27, 2017, 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 April 27, 2017.

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

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

-against-

M-1751
Ind. No. 549/16

Robert Lilly,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 2, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated March 9, 2017, 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 April 27, 2017.

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

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

-against-

M-1752
Ind. No. 5119/13

Tarik Simboyan,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 10, 2017, 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 April 27, 2017.

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

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

-against-

M-1817
Ind. No. 129/15

Joshua Santiago,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 16, 2017, 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 April 27, 2017.

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

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

-against-

M-1821
Ind. No. 40/13

Lynmarie Schachtel,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 9, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated March 30, 2017, 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 April 27, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1859
Ind. No. 2424/14

Devonte Serrano,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 28, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated April 4, 2017, 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 April 27, 2017.

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

-----X
In the Matter of

Tyjaa E.,
and KaMya E.,

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

CONFIDENTIAL
M-904

Docket Nos. NN-8901/16
NN-19499/16

Administration for Children's
Services,
Petitioner-Respondent,

Kareem McC.,
Respondent-Appellant,

Crystal E.,
Respondent.

Richard L. Herzfeld, Esq.,
Attorney for the Children.

-----X

Respondent-appellant father, Kareem McC., 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 18, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. (212) 965-0050, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1191, decided simultaneously herewith.)

ENTERED:


CLERK

¹Service 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 April 27, 2017.

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

-----X
In the Matter of

Tyjaa E.,
and KaMya E.,

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

CONFIDENTIAL
M-1191

Docket Nos. NN-8901/16
NN-19499/16

Administration for Children's
Services,
Petitioner-Respondent,

Kareem McC.,
Respondent-Appellant,

Crystal E.,
Respondent.

Richard L. Herzfeld, Esq.,
Attorney for the Children.

-----X

Joann Bourne, Esq., attorney for the subject children, having moved on said children's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about January 18, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law

and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Floor, New York, NY 10016, Telephone No. (212) 818- 9019, 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 petitioner-appellant and 8 copies thereof are filed with this Court. (See M-904, 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 April 27, 2017.

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

-----X

In the Matter of

Elijah Manuel V.,

CONFIDENTIAL
M-1359

Docket No. B-226/15

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

- - - - -
Jewish Child Care Association of New York, and Administration for Children's Services,
Petitioners-Respondents,

Ismanuel V.,
Respondent-Appellant.

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

-----X

Respondent-appellant father 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 5, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, 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 therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

¹Service 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 April 27, 2017.

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

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

-against-

Milo Tyler,
Defendant-Respondent.

M-2157
Ind. Nos. 1106/12
426/06

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 13, 2015, and from the order of **resentence** of said Court, entered on or about June 12, 2015,

And defendant-respondent having moved for leave to respond to the aforesaid appeal as a poor person, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) 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 the People and 9 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the September 2017 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 April 27, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

Respondent,

-against-

CONFIDENTIAL

M-1611

Ind. No. 3045/99

Kevin F.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Alvarado, J.), entered on or about October 11, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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 Alvarado as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 120 days from the date of filing of the record.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1521
Ind. No. 2160/15

Sherman Gibbs,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 15, 2016 (under Indictment No. 2160/15), for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-608
Ind. No. 2450/08

Beneto Gumbs,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 20, 2013 (Appeal No. 10405), unanimously affirming a judgment of the Supreme Court, New York County (Laura Ward, J.), rendered on October 6, 2009, as amended on October 15, 2009,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 April 27, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Ellen Gesmer, Justices.

-----X

Zafar Salyamov, Individually and
as President and sole shareholder
of FEA 23rd Inc.,
Plaintiff-Respondent,

M-1133
Index No. 152452/15

-against-

Ben Lyhovsky, etc.,
Defendant-Appellant.

-----X

Plaintiff-respondent 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 February 7, 2017 (Appeal No. 3009),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Ellen Gesmer, Justices.

-----X

In re The People of the State of
New York, ex rel. Carl Fraser,
Petitioner-Appellant,

-against-

M-1424
Index No. 400537/12

Warden, G.M.D.C., New York City
Department of Corrections,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court, entered on February 7, 2017 (Appeal No. 3000),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Barbara R. Kapnick, Justices.

-----X

In re the State of New York,
Petitioner-Respondent,

-against-

C.B.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-1024

Index No. 341104/08

Respondent-appellant having moved for reargument of the decision and order of this Court, entered on February 14, 2017 (Appeal Nos. 3086-87),

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
204 Columbia Heights, LLC,
Plaintiff-Appellant-Respondent,

-against-

M-1097
Index No. 161520/13

Anthony Manheim,
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant 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 January 19, 2017 (Appeal Nos. 1909-1910),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

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

Henry C. Y., Jr.,
Petitioner-Respondent,

-against-

Cynthia A.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-6526

Docket Nos. V-26752-53/16
V-23278-79/16

An appeal having been taken to this Court from a Writ of Habeas Corpus entered on or about November 3, 2016 in Family Court, Bronx County,

And, respondent-appellant having moved for a stay of the Writ of Habeas Corpus pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court, dated December 16, 2016, on condition that respondent-appellant perfects the appeal for the September 2017 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 April 27, 2017.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Edward Mintz, MD,

Plaintiff-Appellant,
-against-

Rosenberg, Minc, Falkoff & Wolff,
LLP and Peter D. Rosenberg,

Defendants-Respondents.
-----X

M-730
New York County
Civil Court
Index No. 57826/11
New York County
Clerk Index No. 570518/13

Plaintiff having moved for leave to appeal to this Court from the decision and order of the Supreme Court, Appellate Term, First Department, entered in the office of the New York County Clerk on or about September 30, 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 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 April 27, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1323
Ind. No. 3436/11

Jonathan Nesbit,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 3, 2012 (M-1006) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 25, 2012, and assigning Richard M. Greenberg, Esq., who has been succeeded by Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, or in the alternative, to dismiss the appeal as abandoned,

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1076
Ind. No. 4132/14

Anthony Smalls,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 17, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

-----X

R.S. Raghavendra, also known as Randy S. Raghavendra, founder, National Association for Clients Against Dishonest Attorneys, Plaintiff-Appellant,

M-1056

M-1109

Index No. 450287/16

-against-

Louis D. Stober, Jr., Law Offices of Louis D. Stober, Jr. LLC, Edward A. Brill, Susan D. Friedfel, Allison L. Martin, Proskauer Rose LLP, Donna P. Fenn, Jane E. Booth, The Trustees of Columbia University, Jane Doe and John Doe, Defendants-Respondents.

-----X

Four appeals having been taken by plaintiff from 4 orders of the Supreme Court, New York County, all entered on or about December 2, 2016,

And, defendants-respondents, Edward A. Brill, Susan D. Friedfel, Allison L. Martin and Proskauer Rose, LLP (Collectively Proskauer); and Donna P. Fenn, Jane E. Booth, and the Trustees of Columbia University (Collectively Columbia); having moved for an order (1) dismissing the aforesaid appeals and enjoining plaintiff from making filings in this Court or in the Supreme Court without prior judicial approval; (2) directing the New York County Clerk's Office to revoke plaintiff's NYCEF system credentials with respect to this and related cases that he has brought against defendants, including the cases bearing N.Y. County Index Nos. 600002/11, 103331/12, 100389/13, and 450287/16; (3) enjoining plaintiff from filing any papers in the courts of the First Department concerning defendants without first presenting written permission to do so from this Court or, in

the case of filings in the Supreme Court, the Hon. Nancy Bannon, J.S.C., or any other Justice that may be designated in her place (or the Hon. Lucy Billings, J.S.C., with respect to actions assigned to her), such permission to be requested in a letter not longer than three pages and not to include any exhibits; (4) requiring the Clerk of this Court and the Supreme Court, upon presentation of the order implementing this Court's decision on this motion, to strike from their dockets any new filings made by plaintiff not specifically authorized as set forth above; and (5) relieving defendants from any obligation to respond to plaintiff's filings unless plaintiff presents to this Court written authorization referred to above (M-1056),

And, defendants-respondents, Louis D. Stober, Jr., and Law Offices of Louis D. Stober, Jr. LLC, having cross-moved for the identical relief (M-1109),

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

It is ordered that the motion is granted to the extent of dismissing all of plaintiff's appeals, and, pursuant to the order of this Court entered January 5, 2017 (M-3450 and M-5436), enjoining plaintiff-appellant from filings of any kind, including but not limited to summonses and complaints, notices of appeal and motion papers, in any state court of the State of New York, involving any of the defendants in this action or any of the prior actions against these defendants, or any case involving the nucleus of operative facts at issue in this or the prior actions, without the prior, written permission of the Chief Judge, Presiding Justice or Administrative Judge of the Court in which such filing is sought.

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 April 27, 2017.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

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

-against-

CONFIDENTIAL

M-5721

Ind. No. 4075/10

Thomas O.,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County (Hon. Melissa Jackson), entered on or about July 27, 2016,

And defendant-appellant having moved for leave to proceed pro se on the appeal, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by this Court to appellant on November 1, 2016, advising him of the consequences of proceeding pro se, and due deliberation having been had thereon,

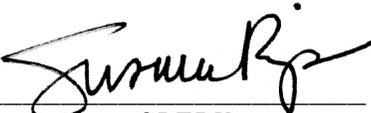
It is ordered that the motion is granted to the extent of allowing defendant-appellant to proceed pro se, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment shall be substituted in place of the original indictment and upon a reproduced appellant's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

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 Jackson as yet not transcribed.

The Clerk is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-961
Ind. No. 229/04

Joseph Watson,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 1, 2016 (M-100) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 27, 2004, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and to proceed, pro se, on 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 denied, with leave to renew, on the papers, including a response to this Court's letter dated February 24, 2017.

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 April 27, 2017.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X
In re Mark S. Goldstein,
Nonparty Appellant,

-against-

M-1277
Index No. 91812/13

William D. Zabel,
Nonparty Respondent.

-----X

Nonparty appellant 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 January 24, 2017 (Appeal Nos. 2075N-2076N),

And nonparty respondent having submitted opposition,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-1368
Ind. No. 4728/12

Michael Williams,
Defendant-Appellant.

-----X

The above-named defendant-appellant having moved for an order staying proceedings and holding in abeyance his appeal from a judgment of the Supreme Court, New York County, rendered on or about November 5, 2014, pending disposition of his CPL 440.10 motion, presently sub judice before the Supreme Court, New York County,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

M-1283
Ind. No. 5298/14

Jorge-Alberto Sanchez-Garcia,
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 29, 2015, as abandoned, without prejudice to reinstatement,

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Frederick W.,

Plaintiff-Respondent,

-against-

Audrene W.,

Defendant-Appellant.
-----X

CONFIDENTIAL

M-1376

Index No. 311827/14

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about March 18, 2016,

Now, upon reading and filing the papers with respect to the motion, and correspondence from defendant-appellant, dated February 22, 2017, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal 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 April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-1319
Index No. 1070/11

Rumaldo De La Cruz,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 7, 2013 (M-4631) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2012, and assigning Richard M. Greenberg, Esq., subsequently succeeded by Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Rosemary Herbert, Esq., as counsel to prosecute defendant's appeal, and substituting David J. Goldstein, Esq., 888 Grand Concourse, Bronx, NY 10451, 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 April 27, 2017.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

Kelly Ann Junior, et al.,
Plaintiffs-Appellants,

-against-

M-1276
Index No. 102435/12

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

Hudsonview Terrace, Inc., 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 January 24, 2017 (Appeal No. 2842), and other relief,

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

It is ordered that the motion is denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

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

-against-

Androfsky Adames,
Defendant-Appellant.

M-1247
Ind. Nos. 1491N/04
1023/04

-----X

The People having moved for reargument of the decision and order of this Court, entered on February 23, 2017 (Appeal Nos. 3208-09),

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

It is ordered that the motion is denied.

ENTERED:


CLERK

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

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

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

M-887
Ind. No. 3137/92

-against-

CERTIFICATE
DENYING LEAVE

Tyrone Jackson,
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 23, 2016 is hereby denied.



Associate Justice

Dated: April 6, 2017
New York, New York

ENTERED: APR 27 2017



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

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

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

M-6669
Ind. No. 4348/09

-against-

CERTIFICATE
DENYING LEAVE

Torin Williams,
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 5, 2016 is hereby denied.


Associate Justice

Dated: April 6, 2017
New York, New York

ENTERED: APR 27 2017

CORRECTED ORDER - February 28, 2018

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2017.

Present - Hon. Peter Tom, Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X
In re Ruth Joanna O. O.,

A Child Under the Age of Eighteen
Years, etc.,

Melissa O., M-1275
Respondent-Appellant, Docket No. NN-13122/13

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

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 28, 2017 (Appeal Nos. 2680-81)),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of Family Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:


CLERK

✓

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1303
Ind. No. 3573/00

-against-

CERTIFICATE
DENYING LEAVE

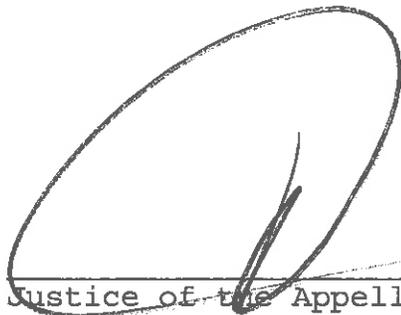
Oscar Ferrero,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Lester B. Adler, J.), entered on or about February 10, 2017, which denied defendant's motion pursuant to CPL 440.10, and 440.20 is hereby denied.

Dated: New York, New York
April 20, 2017



Justice of the Appellate Division

ENTERED

APR 27 2017