

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Robert B. Segal,

Plaintiff-Appellant,

-against-

M-3048  
Index No. 603342/06

Signal Equity Partners, et al.,

Defendants-Respondents.

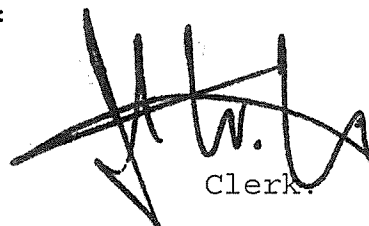
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated June 9, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Madison Avenue Leasehold, LLC,  
Plaintiff-Appellant,

-against-

M-3100X  
Index No. 600192/04

Madison Bentley Associates, LLC,  
Arthur Miller and Brian Miller,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 17, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 19, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3112  
Ind. No. 830/07

Walter Brown,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 6, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated June 4, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
John Trepanier, et al.,  
Plaintiffs-Respondents,

-against-

M-3138X  
Index No. 118326/04


Christer Larsson,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Antonia Mota,  
Plaintiff-Respondent,

-against-

M-3139X  
Index No. 22600/06

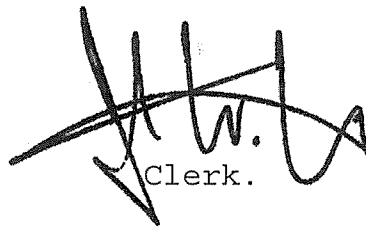
S&B Auto Service, Inc. and  
Shakare M. Othwain,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 3, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of the Claim of  
Adrienne Jones as Administrator  
of the Estate of Mary Smith,  
Plaintiff-Respondent,

-against

M-3141X  
Index No. 25656/04

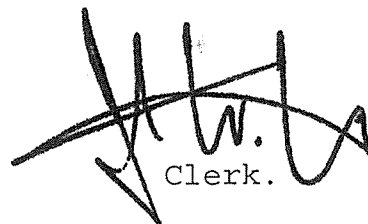
Concourse Rehabilitation and Nursing  
Center, Inc.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 3, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Jeffries & Co., Inc.,

Plaintiff-Respondent,

-against-

M-3142X  
Index No. 601593/07

Michael L. Clofine,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,	Presiding Justice,
Peter Tom	
Angela M. Mazzairelli	
Richard T. Andrias	
David B. Saxe,	Justices.

-----X  
Destiny Gonzalez Avila, by her mother  
and natural guardian, Soraya Avila,  
and Soraya Avila, individually,

Plaintiffs-Respondents,

-against-

M-3143X  
Index No. 401719/04

The City of New York, et al.

Defendants,

The New York City Health and Hospitals Corporation,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 21, 2007 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2008, and due deliberation having been had thereon,

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

ENTER:

  
clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
New York Real Estate Institute, Inc.,  
Plaintiff-Respondent,

-against-

M-3116  
Index No. 602760/06

Charles Edelman,  
Defendant-Appellant.  
-----X

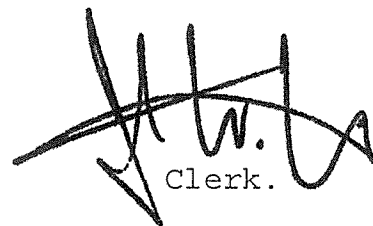
Appeals having been taken from the order and judgment of the Supreme Court, New York County, entered on or about October 26, 2007 and the order of said Court entered on or about March 18, 2008 (mot. seq. nos. 009, 010), respectively,

And the parties having moved to withdraw the previously filed notices of appeal herein,

Now, upon reading and filing the stipulation of the parties dated June 13, 2008 and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe,

Presiding Justice,  
  
Justices.

-----X  
Jamie Guzman and America Guzman,  
Plaintiffs,

-against-

Central Park West Medical Group,  
P.C.,  
Defendants,

M-3140X

Index No. 100207/06

Xiao Zhong Li, LAC,  
Defendant.

-----X  
Xiao Zhong Li, LAC,  
Third-Party Plaintiff,

Third-Party  
Index No. 590772/06

-against-

C.A.I. Industries Corp.,  
Third-Party Defendant.

-----X

An appeal having been taken to this Court by third-party defendant, C.A.I. Industries Corp., from the order of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 001); and an appeal having been taken to this Court by third-party plaintiff, Xiao Zhong Li, LAC, from the order of said Court, entered on or about March 12, 2008; and an appeal and cross appeal having been taken by the aforesaid parties from the judgment of said Court, entered on or about May 14, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 2008, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present - Hon. Jonathan Lippman,	Presiding Justice,
Peter Tom	
Angela M. Mazzarelli	
Richard T. Andrias	
David B. Saxe,	Justices.

-----X

Elba Torres,  
Plaintiff-Appellant,

-against-

M-2432  
DC #25  
Index No. 13672/02

Anthony Grullon, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about August 16, 2006,

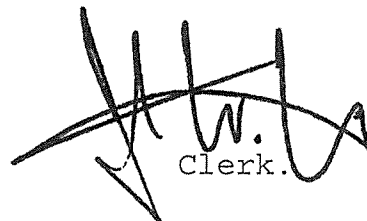
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse,

Presiding Justice,  
  
  
  
Justices.

-----X

Ivan Brice,

Plaintiff,

-against-

M-2834 & M-3073  
Index No. 315338/02

Giulia Maria Alimonti Brice,  
Defendant.

-----X

An order of this Court having been entered on May 13, 2008 (M-1836), dismissing the appeal and cross appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 21, 2007,

And plaintiff having taken an appeal from the order of said Court entered on or about April 21, 2008 and separate appeals from the order of said Court entered on or about May 22, 2008, respectively,

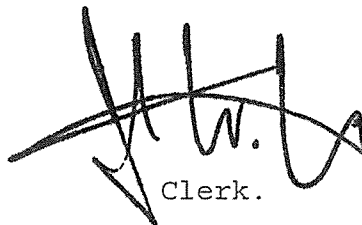
And plaintiff having moved for, inter alia, reinstatement of the dismissed appeal, consolidated of all the aforesaid appeals and a stay of all proceedings in the matrimonial action pending hearing and determination of the consolidated appeals (M-2834),

And defendant having cross-moved in opposition to the motion and to dismiss the extant aforesaid appeals (M-3073),

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 plaintiff's motion (M-2834) is denied. The cross motion (M-3073) is granted and the aforesaid appeals from the orders of the Supreme Court entered on or about April 21, 2008 and May 22, 2008 are dismissed.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
Nidia Corrales, et al.,  
Plaintiffs-Appellants,

-against-

M-2660  
Index No. 21686/05

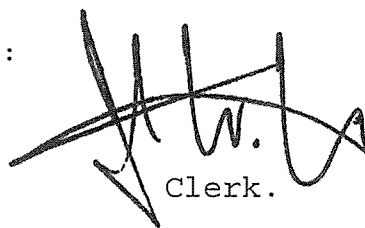
William D. Cabrera, et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about July 2, 2007,

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

Ordered that the motion is granted and the appeal is dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
Rhonda Bennett,  
Plaintiff-Appellant,

-against-

M-2743  
Index No. 105027/05

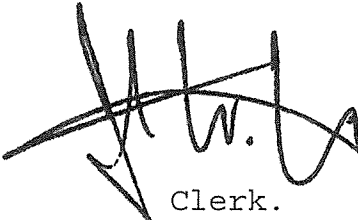
Rafael E. Agramonte,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved to dismiss the appeal  
from the order of the Supreme Court, New York County, entered on  
or about July 10, 2007 (mot. seq. no. 003),

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

Ordered that the motion is granted and the appeal is  
dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present:	Hon. Jonathan Lippman,	Presiding Justice,
	Richard T. Andrias	
	David Friedman	
	Dianne T. Renwick	
	Leland G. DeGrasse,	Justices.

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

Respondent,

-against-

M-2985  
Ind. No. 2375/99

Garcia Estanislao,

Defendant-Appellant.

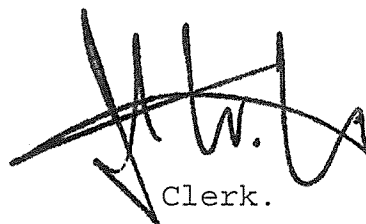
-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 9, 1999,

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

It is ordered that the motion is granted and the appeal is dismissed. (The order of this Court entered on March 22, 2007 [M-1027] is hereby recalled and vacated.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present - Hon. Jonathan Lippman, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x  
Oxford Health Insurance, Inc.,  
Plaintiff,

-against-

Action No. 1  
Index No. 602899/04

Jordan S. Josephson, M.D.,  
Defendant.

M-2585

- - - - -  
Jordan S. Josephson, J.D., et al.,  
Plaintiffs-Respondents.

-against-

Action No. 2  
Index No. 106655/04

George Lastra,  
Defendant-Appellant.

-----x  
Appeals having been taken to this Court by George Lastra from orders of the Supreme Court, New York County, entered on or about February 13, 2008 (mot. seq. nos. 002, 003),

And defendant-appellant having moved for leave to prosecute the appeals as a poor person, for leave to have the appeal(s) heard on the original record and upon a reproduced appellant's brief, for waiver for filing fees for the instant motion and notices of appeal, and for other relief,

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

It is ordered that the motion is denied, and sua sponte the appeals are dismissed; the appeal with respect to mot. seq. no. 002 being moot, and the appeal with respect to mot. seq. no. 003 being taken from a non-appealable order (CPLR 5511).

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse,

Presiding Justice,  
  
  
  
Justices.

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

-against-

M-2772  
Case No. 28271C/05

John Garabo,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 13, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,


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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Milton L. Williams  
John T. Buckley, Justices.

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

-against-

M-2844  
Ind. No. 1367/07

Mohamad Zokari,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2007, 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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2964  
Case No. 25413C/06

Douglas Boateng,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 7, 2008, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2965  
Ind. No. 3493/06

Omar Correa,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

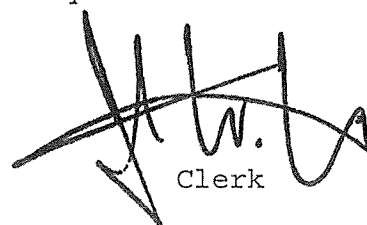
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2966  
Ind. No. 1286/06

John Evans, also known as  
Stanley Emerson,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

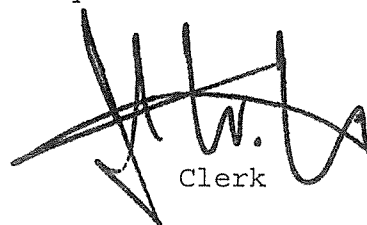
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2967  
Ind. No. 5122/06

Hector Garcia,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 15, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

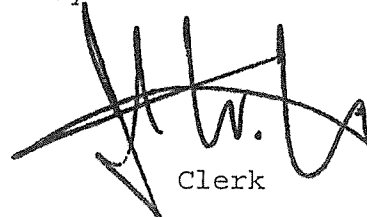
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2968  
Ind. No. 5051/07

Stanley Guy,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 10, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

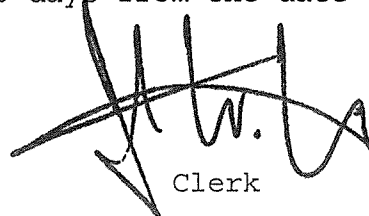
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

E N T E R:

  
Clerk

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in the  
County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2969  
Ind. No. 3963/07

Anthony Perkins,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,  
the appeal from the judgment of the Supreme Court, New York County,  
rendered on or about May 20, 2008, for leave to have the appeal heard  
on the original record and upon a reproduced appellant's brief, and  
for related relief,


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

Ordered that 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 10 reproduced copies of  
such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the  
criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department in the  
County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2970  
Ind. No. 944/06

Devon Singleton, also known as  
Davon Singleton,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,  
the appeal from the judgment of the Supreme Court, Bronx County,  
rendered on or about March 10, 2008, for leave to have the appeal  
heard on the original record and upon a reproduced appellant's brief,  
and for related relief,

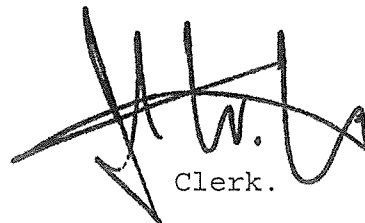
Now, upon reading and filing the papers with respect to the  
motion, and due deliberation having been had thereon, it is

Ordered that 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 10 reproduced copies of  
such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the  
criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2971  
Case No. 19690C/05

Michael Stradford,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

Ordered that 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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2972  
Ind. No. 6247/05

Jose Tavarez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 1, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

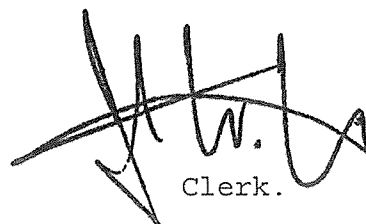
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that 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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-2973  
Ind. No. 4067/07

Jesus Vega,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 27, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

Ordered that 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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2915  
Ind. No. 5333/04

Jose Martinez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 20, 2008 (M-2275) 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 September 27, 2005, and assigning Robert S. Dean, 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 Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212) 402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2804  
Ind. No. 5161/06

William Porto,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on December 27, 2007, (M-6209), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2007, and assigning Steven Banks, 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 Steven Banks, 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, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

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

-against-

M-2803  
Ind. No. 1394/07

Rochelle Buie,  
Defendant-Appellant.

-----X  
An order of this Court having been entered on December 11, 2007, (M-6014), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2007, and assigning Steven Banks, 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 Steven Banks, 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, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse,

Presiding Justice,

Justices.

-----X  
Tawana Lowe,  
Plaintiff-Appellant,

-against-

M-2845  
Index No. 112068/05

New York City Health and Hospitals  
Corporation, et al.,  
Defendants-Respondents.

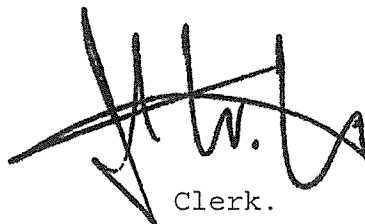
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 16, 2008 (mot. seq. no. 003), 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect the appeal is enlarged to on or before September 29, 2008 for the December 2008 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

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

Desmond K., and  
Destiny K.,

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

M-2242  
Docket Nos. B-2119-20/06

Cardinal McCloskey Services,  
Petitioner-Respondent,

Kevin K.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., Legal Aid Society,  
Juvenile Rights Division,  
Law Guardian for the Children.

-----X  
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an orders of the Family Court, New York County, both entered on or about March 31, 2008, and for assignment of counsel, a free copy of the transcript, and 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, Nancy Botwinik, Esq., 309 West 82nd Street, Apt. 4-A, New York, New York 10024, Telephone No. 212-787-1501, as counsel for purposes of prosecuting the appeal;

July 15, 2008

(2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, 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 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court. (See M-2242A, decided simultaneously herewith).

ENTER:



Clerk.

---

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

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

BEFORE: Hon. Jonathan Lippman  
Presiding Justice of the Appellate Division

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

Desmond K., and  
Destiny K.,

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

M-2242A  
Docket Nos. B-2119-20/06

Cardinal McCloskey Services,  
Petitioner-Respondent,

Kevin K.,  
Respondent-Appellant,

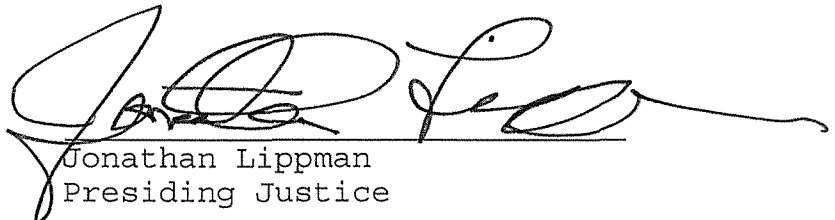
-----  
Steven Banks, Esq., Legal Aid Society,  
Juvenile Rights Division,  
Law Guardian for the Children.

-----X  
Respondent-appellant father having moved for a stay of  
adoption proceedings of the orders of the Supreme Court, New York  
County, both entered on or about March 31, 2008 pending hearing  
and determination of 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 denied. (See M-2242,  
decided simultaneously herewith).

Dated: New York, New York  
June 26, 2008

  
Jonathan Lippman  
Presiding Justice

Entered: July 15, 2008

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2820  
Ind. No. 6472/06

Ricky Santos,  
Defendant-Appellant.

-----X

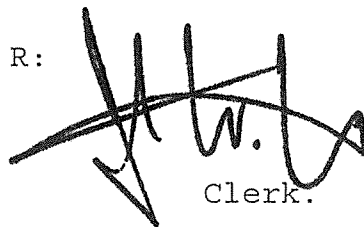
An order of this Court having been entered on October 2, 2007 (M-4662) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And Thomas P. Theophilos, Esq., retained counsel for defendant-appellant, having moved for an order relieving Steven Banks, Esq., as assigned 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 Steven Banks, Esq., as counsel to prosecute defendant's appeal. 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. So much of the motion which seeks to substitute retained counsel is denied as unnecessary.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

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

-against-

M-2601  
Ind. No. 5763/07

Anibal Sanchez,  
Defendant-Appellant.

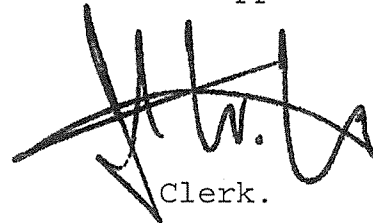
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2008,

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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2838  
Ind. No. 3258/01

Mark Russell,


Defendant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 4, 2002, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2868  
Ind. No. 1020/07

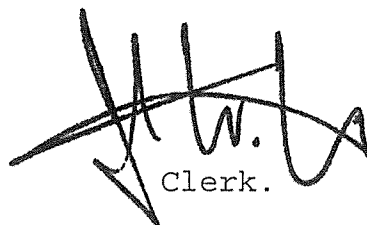
Christian Melendez,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 18, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, L. Digiansante, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2871  
Ind. No. 2055/07

Anthony Ross,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 19, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Arnold J. Levine, Esq., and to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-2876  
Ind. No. 5050/05

Richard Zapata,  
Defendant-Appellant.

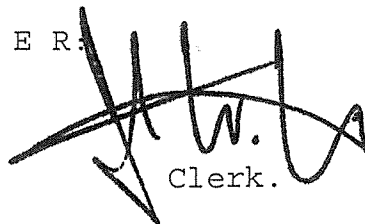
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel Bruce Bendish, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon: Jonathan Lippman, Presiding Justice,  
Milton L. Williams  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

Michael McKinnon,

M-5369  
Ind. Nos. 6185/91  
6190/91

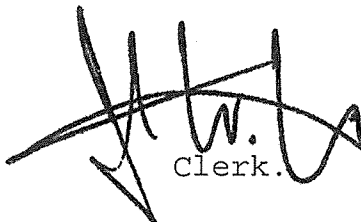
Defendant.  
-----X

Defendant having moved in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of counsel in the Supreme Court, New York County, with respect to the judgment of said court, rendered on or about December 4, 1991, or in the alternative, for an extension of time in which to file a late notice of 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 in the nature of a writ of error coram nobis is denied. So much of the motion which seeks an extension of time in which to file a notice of appeal is denied. (CPL 460.30 subd. 1).

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Leland G. DeGrasse,	Justices.

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

Respondent,

-against-

M-2942  
Case No. 38583C/05

Randy G. Tillman, also known as Randy  
Tillman, also known as Gordon Randolph  
Tillman, Jr.,

Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 13, 2006 and the judgment of resentence of said Court rendered on or about December 1, 2006, respectively, having moved for leave to file a pro se supplemental brief and for related relief, and said appeal having been perfected for the September 2008 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 denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York by  
Andrew M. Cuomo, Attorney General of  
the State of New York,  
Plaintiff-Respondent

-against-

M-3074  
Index No. 401720/05

Maurice R. Greenberg,  
Defendant-Appellant,

Howard I. Smith,  
Defendant-Appellant.

-----X

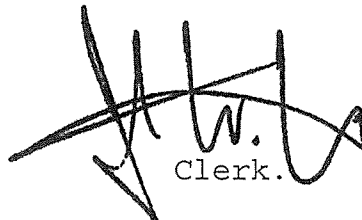
Separate appeals having been taken to this Court by the respective defendants from orders of the Supreme Court, New York County, entered on or about April 17, 2008 and May 28, 2008, respectively,

And the parties herein having moved jointly 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 and the appellants-defendants are granted leave to prosecute the appeals upon 10 copies of one record and separate sets of appellant's points, to which the Attorney General may respond in a single set of points.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
Robert Linen, et al.,  
Plaintiffs-Appellants,

-against-

M-2793  
M-3041  
Index No. 101144/07

The Hearst Corporation, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 10, 2008 (mot. seq. no. 003),

And defendants-respondents having moved to dismiss the aforesaid appeal, and for related relief (M-2793),

And plaintiffs-appellants having cross-moved for consolidation of the aforesaid appeal with a purported appeal from a prior order of said Court entered on or about December 20, 2007, and for related relief (M-3041),

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

Ordered that the motion (M-2793) is granted and the appeal from the order entered April 10, 2008 is dismissed with \$100 costs; the cross motion (M-3041) is denied in its entirety.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Gartech Electrical Contracting Corp.,

Plaintiff-Respondent,

-against-

M-3046  
Index No. 23698/04

Coastal Electric Construction Corp.,

Defendant-Appellant.  
-----X

Defendant having taken an appeal from the judgment of the Supreme Court, Bronx County, entered on or about August 28, 2007,

And defendant-appellant having moved for an order regarding the retention of counsel for purposes of prosecuting the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant's substituted counsel, dated June 20, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of

Aisha C.,

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

-----  
Leake & Watt Services, Inc.  
Petitioners-Respondents,

M-2754  
Docket No. B27253/05

Eleanor C.,  
Respondent-Appellant,

-----  
Steven Banks, Esq.  
Law Guardian for the Child.

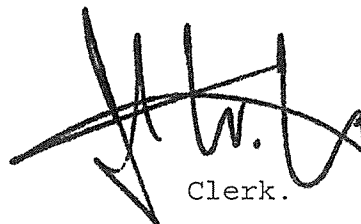
-----X  
  
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about August 20, 2007,

And, respondent-appellant mother have moved for a reconstruction hearing and an enlargement of time in which to perfect the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and per the conversation with Nancy Botwinik, Esq. counsel for respondent-appellant on June 19, 2008 and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X

The People of the State of New York  
ex rel. Robert Smith,

Petitioner,

-against-

Warden, George Motchan Detention  
Center, Rikers Island Correctional  
Facility,

M-2767  
Index No. 406719/07  
SCID # 30199/07

Respondent.

-----X

Petitioner having moved for leave to appeal to this Court from the order of a Justice of the Supreme Court, New York County, entered on or about November 28, 2007, dismissing a habeas corpus proceeding, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied as moot. Petitioner's counsel has filed a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2008, with respect to the underlying indictment, the predicate for petitioner's detention.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Children's Corner Learning Center,  
Plaintiff,

-against-

M-2824  
Index No. 22026/05

A. Miranda Contracting Corp. and Newman  
Design Group,  
Defendants-Appellants,

Henry Loheac, P.C., MF Electrical Service  
Co., Inc. and Highrise Fire Protection  
Corp.,  
Defendants.

-----X  
Henry Loheac, P.C.,  
Third-Party Plaintiff-Respondent,

-against-

MF Electrical Service Co., Inc.,  
Third-Party Defendant,

George E. Berger & Associates, LLC,  
Third-Party Defendant-Appellant,

Index No. 85253/06

Jam Consultants, Inc.,  
Third-Party Defendant-Appellant,

Hutch Metro Center, LLC, Hutch Realty  
Partners, LLC, Simone Development  
Company, LLC, Highrise Fire Protection Corp.  
and Center Management Associates, Inc.,  
Third-Party Defendants.

-----X

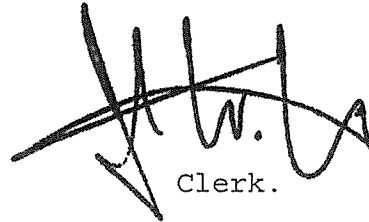
Third-party defendant-appellant, JAM Consultants, having moved for an enlargement of time in which to perfect its appeal from the order of the Supreme Court, Bronx County, entered on or about July 16, 2007,

July 15, 2008

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 in which to perfect the appeal to the November 2008 Term, to which Term the time of the other appellants in which to perfect is likewise enlarged. The Clerk is directed to calendar the appeals for hearing together in said November 2008 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
RLI Insurance Co., et al.,  
Plaintiffs-Respondents,

-against-

M-2977  
Index No. 109484/04

Turner/Santa Fe, a Joint Venture,  
Luna Mechanical, Inc., et al.,  
Defendants-Appellants,

ABC Partnership, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2007 (mot. seq. no. 006),

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 appellants' time in which to perfect the appeal to the October 2008 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick,	Justices.

-----X  
HRH Construction Corp., et al.,  
Plaintiffs-Respondents,

-against-

M-2911  
Index No. 401328/06

Sorbara Construction Corp.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 24, 2007 (mot. seq. no. 001),

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 appellant's time in which to perfect the appeal to the November 2008 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York  
ex rel. Guido Tritto,

Petitioner-Appellant,

-against-

M-2809

Index No. 75066/07

Warden, Rikers Island Correctional  
Facility and New York State  
Division of Parole,

Respondents-Respondents.


-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 31, 2007,

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 in which to perfect the appeal to the December 2008 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
Callisto Pharmaceuticals, Inc.,  
Plaintiff-Appellant,

-against-

M-2477  
Index No. 604374/06

Tapestry Pharmaceuticals, Inc.,  
et al.,  
Defendants-Respondents.

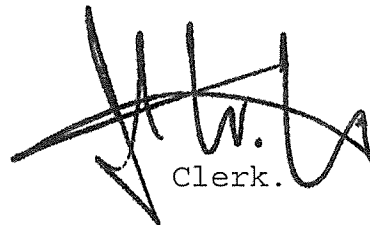
-----X

Plaintiff-appellant having moved for an enlargement of time  
in which to perfect the appeal from the order of the Supreme  
Court, New York County, entered on or about July 25, 2007 (mot.  
seq. no. 003),

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 appellant's time in which to perfect the appeal to the  
December 2008 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Marlene S. Colgate,  
Plaintiff-Respondent,

-against-

M-2544  
Index No. 109763/94

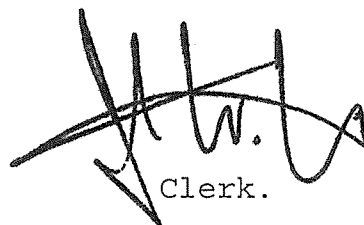
Broadwall Management Corp.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 6, 2008 (Appeal No. 3578),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Marylyn R. Dunn,  
Plaintiff-Appellant,

-against-

M-2836  
Index No. 112784/04

Astoria Federal Savings and Loan  
Association, et al.,  
Defendants-Respondents.

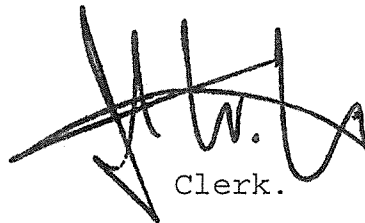
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on May 8, 2008 (Appeal No. 3640),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,  
Richard T. Andrias  
David Friedman  
Leland G. DeGrasse,

Presiding Justice,  
  
Justices.

-----X  
The People of the State of New York  
ex rel. William Johnson Belliard,  
also known as William Johnson-Belliard,  
also known as William J. Belliard,  
Petitioner,

-against-

Robert Shaw, Warden of George R.  
Vierno Center, Rikers Island, et al.,  
Respondents.

M-2923  
Ind No. 1794/07  
Index No. 250629/07

-----X

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

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

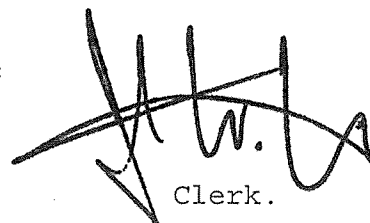
It is ordered that the motion be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Yvonne Newkirk, as Mother and Natural  
Guardian of Tyronne Newkirik, an  
infant under the age of 14 years, etc.,  
Plaintiffs-Respondents,

-against-

M-3027  
Index No. 21521/99

The City of New York, The Board of  
Education of the City of New York,  
Defendants,

-and-

The New York City Housing Authority,  
Defendant-Appellant.


-----X

Defendant-appellant, The New York City Housing Authority, having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 7, 2008,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from municipal appellant's counsel dated June 23, 2008, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
John Madtes,  
Plaintiff-Respondent,

-against-

M-3146  
Index No. 115941/05

Bovis Lend Lease LMB, Inc.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 5, 2008,

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Peter Tom  
Luis A. Gonzalez  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Lee Kaufman,  
Plaintiff-Respondent,

-against-

M-2661  
Index No. 110033/05

Jamison Bachman,  
Defendant-Appellant.  
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 20, 2007 (mot. seq. nos. 003 and 004),


And a purported appeal having been taken from a decision of said Court, dated March 19, 2008 (mot. seq. no. 005),

And defendant having moved to stay all proceedings, pending the hearing and determination of the aforesaid appeals and purported 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 with respect to the order entered on or about April 20, 2007 is denied. With respect to the decision of the Court dated March 19, 2008 the motion is deemed an application for relief pursuant to CPLR 5704, such relief having been denied by a Justice of the Supreme Court on or about March 19, 2008, and as such the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
David Preminger,  
Plaintiff-Respondent,

-against-

M-2753  
Index No. 116665/04

Jamaica Estates Holding Corp.,  
Defendant-Appellant.

-----X  
Mark Labib and Maher Labib,  
Third-Party Plaintiffs-Respondents,

-against-

Jamaica Estates Holding Corp.  
and Mark Scheiner,  
Third-Party Defendants-Appellants,

Schrier, Fiscella & Sussman, LLC,  
Third-Party Defendants.

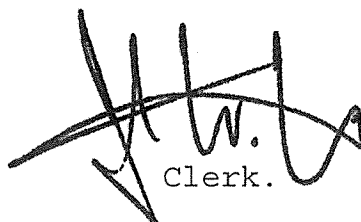
-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about May 16, 2008 (mot. seq. no. 004), 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 denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
McMahan Securities Co. L.P.,  
Petitioner-Appellant,

-against-

M-2728  
Index No. 603161/07

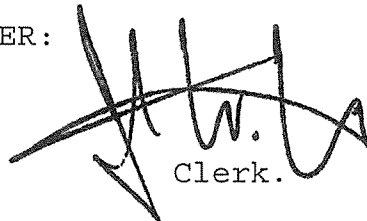
Aviator Master Fund, Ltd., et al.,  
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 16, 2008 (mot. seq. no. 001),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Flora Soto Hernandez, also known as  
Flora Soto,  
Plaintiff-Appellant,

-against-

M-2947  
Index No. 125594/02

Estate of Ziess,  
Defendant-Respondent.  
-----X

Plaintiff having taken separate appeals from the orders of the Supreme Court, New York County, entered on or about December 10, 2007 and June 5, 2008, respectively,

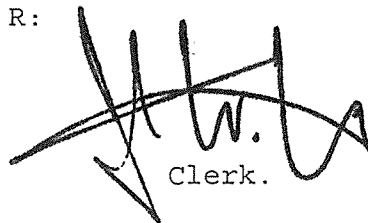
And an order of this Court having been entered on May 27, 2008 (M-2085/M-2310), inter alia, dismissing the appeal from the order of said court entered on or about December 10, 2007 unless perfected for the October 2008 Term,

And plaintiff-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, inter alia, enjoining defendant-respondent Estate from selling, encumbering, transferring or disposing of the real property located at 405 East 90<sup>th</sup> Street, New York, New York and for related relief with respect to the aforesaid real property pending hearing and determination of the appeal taken from the order of said court entered on or about June 5, 2008,

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 in all respects denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman,	Presiding Justice,
Richard T. Andrias	
David Friedman	
Dianne T. Renwick	
Leland G. DeGrasse,	Justices.

-----X  
HSBC Bank USA, et al.,  
Plaintiffs-Respondents,

-against-

M-2807  
Index No. 13039/07

Maria Rose Fiorenza,  
Defendant-Appellant,

Nicole Ordine, doing business as  
Ordine Contracting Company, et al.,  
Defendants.

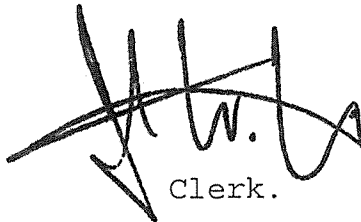
-----X

Defendant-appellant having moved for a stay of the foreclosure date of subject premises, pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 9, 2008,

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Boi To Go, Inc.,  
Plaintiff-Appellant,

-against-

M-2894  
Index No. 601473/07

Second 800 No. 2 LLC,  
Defendant-Respondent.  
-----X

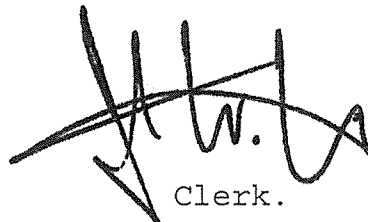
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 4, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for an order pursuant to CPLR 5518, inter alia, enjoining defendant from engaging in further proceedings to terminate plaintiff's lease, 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 granted on condition that the appeal is perfected on or before September 2, 2008 for the November 2008 Term and that plaintiff remain current in use and occupancy. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. Upon failure to remain current in use and occupancy respondent may move on notice to vacate the preliminary appellate injunction.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Robert E. Kodsí,  
Plaintiff-Appellant,

-against-

M-3025  
Index No. 109620/07

Steven T. Gee, et al.,  
Defendants-Respondents.

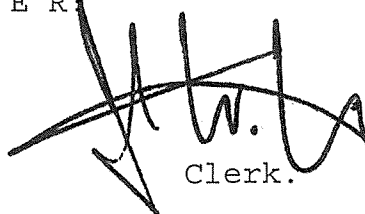
-----X

Plaintiff-appellant having moved in the nature of a preliminary appellate injunction for an order of confidentiality with respect to documents and filings related to an underlying matrimonial proceeding, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 1, 2008,

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 that plaintiff's documents and filings be treated as confidential by defendants.

E N T E R

  
Clerk.

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on July 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John T. Buckley  
James M. Catterson, Justices.

-----X  
In the Matter of Support Proceeding,

Maria C.,  
Petitioner-Respondent,

M-2577  
Docket No. F1113/07

-against-

Jorge R.,  
Respondent-Appellant.

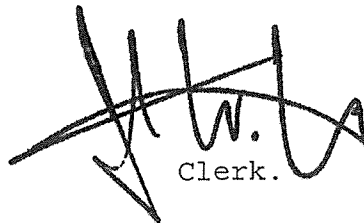
-----X

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 5, 2008, and for assignment  
of counsel, a free copy of the transcript, and 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, Nancy Botwinik, Esq., 309 West 82<sup>nd</sup> Street,  
Apt. 4-A, New York, NY 10024, Telephone No. 212-787-1501, as counsel  
for purposes of prosecuting the appeal; (2) directing the Clerk of  
said Family Court to have transcribed within 60 days of service of a  
copy of this order upon the Clerk, 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>;  
(3) permitting appellant to dispense with any fee for transferring the  
record from the Family Court to this Court; and (4) enlarging the time  
to perfect this appeal until 120 days from the date of filing of the  
record. Assigned counsel is directed to immediately subpoena the  
record from the Family Court and to serve a copy of this order upon  
the Clerk of the Family Court.

ENTER:

  
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 July 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Thresia George,  
Plaintiff-Respondent,

-against-

M-2740  
Index No. 5334/06

Kurian Joseph,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 8, 2007,

And an order of this Court having been entered on January 3, 2008 (M-6116), denying defendant-appellant's application for poor person relief,


And further orders of this Court having been entered on February 28, 2008 (M-287) and May 1, 2008 (M-1599) denying defendant's motion for reargument of the aforementioned order of this Court entered on January 3, 2008,

And defendant-appellant having again moved for poor person relief with respect to 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. Sua sponte defendant's time in which to perfect the appeal is enlarged to on or before September 2, 2008 for the November 2008 Term of Court.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
Milton L. Williams, Justices.

-----X  
Eduardo Rivera,  
Plaintiff,

-against-

M-2591  
Index No. 110177/05

Ray Bari Pizza, etc.,  
Defendant-Appellant,

Nevada Towers, Inc., et al.,  
Defendants,

Nevada Towers Associates,  
Defendant-Respondent.

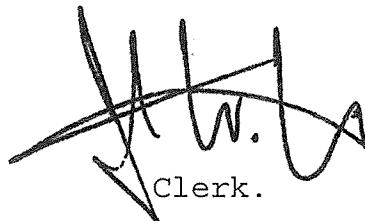
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 29, 2008 (Appeal No. 3530),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
Leland G. DeGrasse, Justices.

-----X  
Karen Kosovsky,  
Plaintiff-Respondent,

-against-

M-3125  
Index No. 310418/93

Kenneth Zahl,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 10, 2008 (Appeal Nos. 3880N-3881NA),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli, Justices.

-----x  
Miliha Ferluckaj,  
Plaintiff-Respondent-Appellant,

-against-

Goldman Sachs & Co., M-2390  
Defendant-Appellant-Respondent, Index No. 120760/04

Henegan Construction Co., Inc.,  
Defendant.

- - - - -  
Goldman Sachs & Co.,  
Third-party Plaintiff-Appellant,

-against-

American Building Maintenance Co.,  
Third-Party Defendant-Respondent.

-----x

Defendant-appellant-respondent Goldman Sachs & Co. 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 10, 2008 (Appeal Nos. 2096-2097),

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 insofar as it seeks reargument, is granted, and upon reargument, the decision and order of this Court entered on April 10, 2008 (Appeal Nos. 2096-2097) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 2096-2097, decided simultaneously herewith.)

It is further ordered that the motion, insofar as it seeks leave to appeal to the Court of Appeals (hereby deemed to seek leave to appeal from the new decision and order substituted this date), is granted and this Court, pursuant to CPLR 5713, certifies that the

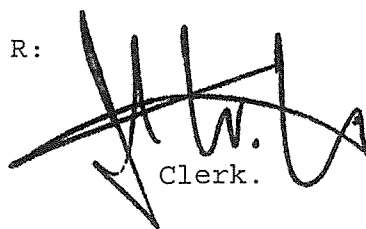
July 15, 2008

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 modified  
the orders of the Supreme Court, properly made?"

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

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Milton W. Williams  
Dianne T. Renwick, Justices.

-----X

Omar Siagha,  
Plaintiff-Respondent,

-against-

M-2718

M-3035

David Katz & Associates, LLP,  
David Katz, Keith LePack,  
Defendants-Appellants,

Index No. 603927/05

Katz & Rosenblatt, LLP and  
Michael J. Rosenblatt,  
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 26, 2007 (M-2718),

And defendants-appellants having cross-moved for an enlargement of time in which to perfect said appeal (M-3035),

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 to dismiss the appeal (M-2718) is granted and the cross motion (M-3035) for an enlargement of time in which to perfect said appeal is denied, and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme  
Court held in and for the First Judicial Department  
in the County of New York on July 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
James M. McGuire, Justices.

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

-against-

M-2843  
Ind. No. 5482/02

Jamal Wilson,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute,  
as a poor person, the appeal from the judgment of the Supreme Court,  
Bronx County, rendered on or about December 20, 2007, 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 10 reproduced copies of  
such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the  
criminal court (CPL §460.70) two transcripts 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York,  
New York 10038, Tel. 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Milton L. Williams  
James M. McGuire, Justices.

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

-against-

Edward Grube,  
Defendant-Appellant.

M-2791  
Ind. Nos. 2615/06  
4928/06

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 9, 2006, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

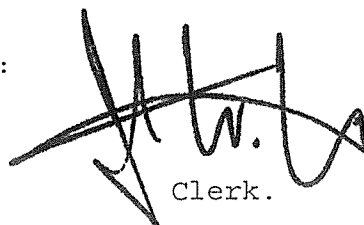
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts 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.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Cecile Campbell Pryce, et al.,  
Plaintiffs-Respondents,

-against-

M-2780  
Index No. 25283/98

Victor Gilchrist, et al.,  
Defendants-Respondents,

Cecilia Michelle Ashmeade, et al.,  
Defendants-Appellants.

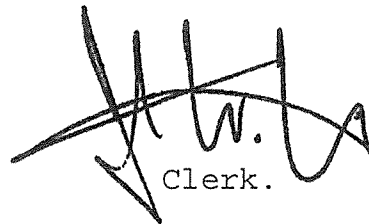
-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 1, 2008 (Appeal No. 3561),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-2790  
Ind. No. 132/05

Anthony Stevens,

Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 10, 2006, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a more detailed notarized affidavit, and the affidavit of Maria Phillips Stevens, with respect to the source(s) of funds used to pay the fee of \$75,000 to trial counsel Carlos Perez-Olivo, Esq., and an explanation as to why similar funds are not available to prosecute this appeal.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
Milton L. Williams  
Karla Moskowitz, Justices.

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

-against-

M-2158  
Ind. No. 8054/93

Ron Summers, also known as  
Justin Jones,  
Defendant-Appellant.

-----X  
A decision and order of this Court having been entered on May 12, 1998 (Appeal No. 1139), unanimously affirming the judgment of the Supreme Court, Bronx County (Robert Seewald, J., at suppression hearing; Steven Lloyd Barrett, J., at jury trial and sentence), rendered on October 27, 1995,

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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Mark Hynes,  
Plaintiff-Appellant,

-against-

M-2283  
Index No. 604046/00

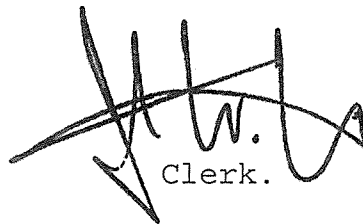
Sonido, Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 3, 2008 (Appeal No. 3249),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. David B. Saxe,  
Luis A. Gonzalez  
James M. Catterson  
Rolando T. Acosta,

Justice Presiding,  
  
Justices.

-----X  
JPMorgan Chase Bank,  
Plaintiff-Appellant,

-against-

M-2737  
Index No. 650006/04

Larry Orleans, et al.,  
Defendants-Respondents,

Reba Singh,  
Defendant.

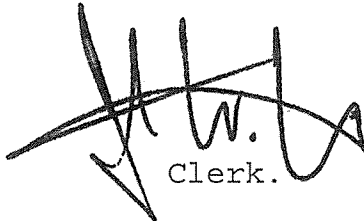
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 29, 2008 (Appeal No. 3504),

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.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 15, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Milton L. Williams  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-2282  
Ind. No. 5059/03

Terry Branch,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on December 12, 2006 (Appeal No. 9782), unanimously affirming the judgment of the Supreme Court, New York County (Daniel P. FitzGerald, J. at severance motion; Edwin Torres, J. at jury trial and sentence), rendered on July 15, 2004,

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.

E N T E R:

  
Clerk

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

M-1552  
Ind. No. 7101/96

-against-

CERTIFICATE  
DENYING LEAVE

Walter Branch,

Defendant.

-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about May 18, 2007 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: July 3, 2008  
New York, New York

Entered: July 15, 2008

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-2337  
NY Co.  
Indictment No.  
4062/75

-against-

CERTIFICATE  
DENYING LEAVE

William John Nelson,

Defendant.  
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 26, 2008 is hereby denied.

Dated: New York, New York

Entered: July 15, 2008

  
Justice of the Appellate Division

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-2338  
NY Co.  
Indictment No.  
9674/99

-against-

CERTIFICATE  
DENYING LEAVE

Kenneth Robinson,

Defendant.

-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 2, 2008 is hereby denied.

Dated: New York, New York

Entered: July 15, 2008

  
Justice of the Appellate Division

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

BEFORE: Hon. Milton L. Williams  
Justice of the Appellate Division

-----X

The People of the State of New York,

-against-

Javier Santos,

Defendant.

-----X

CERTIFICATE DENYING  
LEAVE TO APPEAL  
TO THIS COURT AS  
OF RIGHT

M-6176

Ind. No. 7183/98

An order of this Justice having been entered on June 7, 2007 (M-1615), denying defendant's application for a certificate pursuant to Criminal Procedure law, Section 460.15, granting leave to appeal from the order of the Supreme Court, Bronx County, entered on or about December 20, 2006,

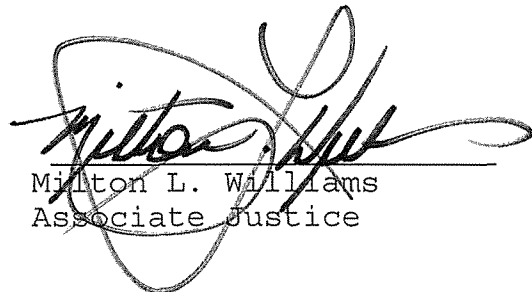
And an order of this Justice having been entered on August 23, 2007 (M-3224), denying defendant's motion for reargument of the aforesaid order entered on June 7, 2007 (M-1615),

And defendant having now moved for permission to appeal the aforesaid order of Supreme Court entered on or about December 20, 2006 "as of right",

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 450.10).

Dated: New York, New York  
July 1, 2008



Milton L. Williams  
Associate Justice

ENTERED: July 15, 2008

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

BEFORE: Hon. JAMES M. MCGUIRE  
Justice of the Appellate Division

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

Respondent,

M- 3191  
Ind. No. 7417/01

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

RICHARD LOWE,  
Defendant-movant.

-----x  
I, JAMES M. MCGUIRE, 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  
defendant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: June 27, 2008  
New York, New York

ENTERED: July 15, 2008

\*Description of Order:

Supreme Court, New York County, entered on February 2, 2004.  
App. Div., First Dept., Appeal No. 1280, Affd on April 24, 2008.

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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. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-2566  
Ind. No. 4497/1999

-against-

Frank Harris

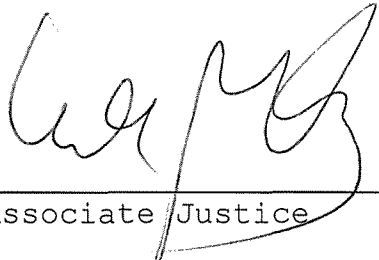
Defendant.

-----X

Defendant having moved for leave to appeal to the Court of Appeals, pursuant to CPL 460.20, from the order of this Justice dated April 15, 2008 denying leave to appeal to this Court, pursuant to CPL sections 450.15 and 460.15, from the order of the Supreme Court, New York County, entered on or about January 7, 2008,

Now, upon the record and proceedings herein, the motion is dismissed for lack of jurisdiction.

ENTERED: July 15, 2008

  
\_\_\_\_\_  
Associate Justice

Dated: , 2008  
New York, New York

Notice: The Clerk is directed to file immediately a copy of this Certificate with the Clerk of the Court of Appeals pursuant to CPL 460.20 subd. 5

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- 2748  
Ind. No. 5739/07


-against-

CERTIFICATE  
DENYING LEAVE

Nathaniel Green,  
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, because the law of the State of New York does not authorize appeals from interlocutory rulings in criminal cases, and thus defendant is precluded from obtaining the review he seeks at the present procedural posture of the case. Accordingly, permission to appeal from the order of the Supreme Court, New York County, entered on or about February 6, 2008, is hereby denied.



Hon. Dianne T. Renwick  
Associate Justice

Dated:  
New York, New York

ENTERED: July 15, 2008