



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2009.

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

-----X  
Miriam Wysoker,  
Plaintiff-Appellant,

-against-

M-597X  
Index No. 117131/07

Rachel Wysoker,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 4, 2009, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 17, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. McGuire  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

-against-

M-96  
Ind. No. 7047/04

Lenny Zuniga, also known as  
Lenny E. Zuniga, IV, also known as  
Lenny Valderramos, also known as  
Lenny Eduardo Zuniga Valderramos,  
Defendant-Appellant.

-----X

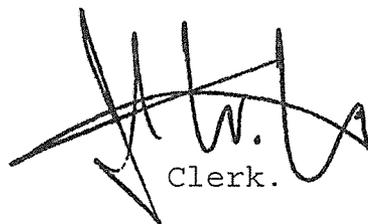
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2005, and said appeal having been perfected,

And the People having moved for dismissal of said appeal on the grounds that defendant has been deported,

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.

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 February 17, 2009.

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

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

-against-

M-339  
Ind. No. 1464/01

Shariff Alleyne, also known as  
Sharif Alleyne,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 3, 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 February 17, 2009.

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

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

-against-

M-341  
Ind. No. 4327/07

William Carter,  
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 November 25, 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.

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 February 17, 2009.

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

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

-against-

M-342  
Ind. No. 187/07

Taurean Haywood,  
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 December 18, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

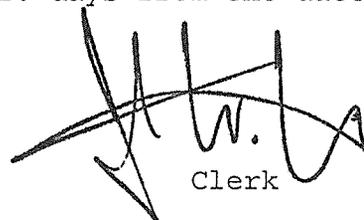
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 February 17, 2009.

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

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

-against-

M-343  
Ind. No. 1532/08

Nathan Mack,  
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 December 11, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

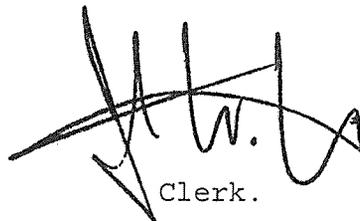
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 February 17, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe  
David Friedman, Justices.

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

-against-

M-344  
Ind. No. 2474/06

Eriverto Martinez,  
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 November 16, 2006, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

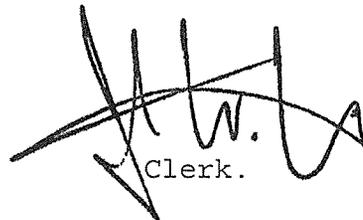
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is 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 February 17, 2009.

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

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

-against-

M-345  
Ind. No. 2575/07

Jose Mora, also known as  
Omar Valdez,  
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 3, 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.

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 February 17, 2009.

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

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

-against-

M-346  
Ind. No. 2331/08

Trevor S. Roberts,  
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 December 23, 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.

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 February 17, 2009.

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

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

-against-

M-348  
Ind. No. 918N/08

Bryan Smith,  
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 November 26, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

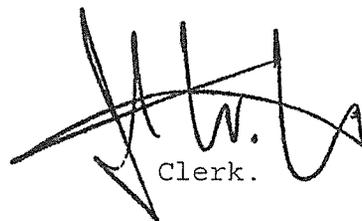
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 February 17, 2009.

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

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

-against-

M-349  
Ind. No. 2547/08

Dean Taylor,  
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 November 3, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

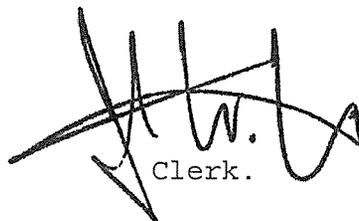
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 February 17, 2009.

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

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

-against-

M-351  
Ind. No. 2199/08

Dorcene Sims,  
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 December 1, 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.

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 February 17, 2009.

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

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

-against-

M-340  
Ind. No. 7072/02

Samuel Bravo,  
Defendant-Appellant.

-----X

Defendant 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 December 11, 2008 (Michael Obus, J.), 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 on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court, and it is further ordered that,

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 February 17, 2009.

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

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

-against-

M-350  
Ind. No. 3385/04

Duran Wilkins,  
Defendant-Appellant.

-----X

Defendant 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 5, 2009 (Bonnie Wittner, J.), 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 on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court, and it is further ordered that,

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 February 17, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

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

-against-

M-220  
Ind. No. 1768/05

Francisco Velasquez,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 26, 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 February 17, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

M-224  
Ind. No. 1543/98

Kersey Jannestil, also known as  
Kersey K. Jannestil,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 February 17, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-199  
Ind. No. 5590/07

Rafael Delarosa, also known as  
Rafael Delorbe Rosa,  
Defendant-Appellant.

-----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 29, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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 February 17, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. McGuire  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

-against-

M-81  
Ind. No. 2356/07

Anthony Hansen,  
Defendant-Appellant.

-----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 December 12, 2007, 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 granted only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, A. Stoll, Esq., as well as 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 February 17, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe  
David Friedman, Justices.

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

-against-

M-592  
Ind. No. 4787/07

Eric Kenley, also known as Eric Kenly,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2008 (M-3985) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2008,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 February 17, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe  
David Friedman, Justices.

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

-against-

M-593  
Ind. No. 806/05

Perry McDowell,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 26, 2008 (M-2886) assigning Robert S. Dean, Esq. as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2006,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 February 17, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe  
David Friedman, Justices.

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

-against-

M-595  
Ind. No. 4608/06

Carl Orridge,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 15, 2008 (M-6637) assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2007,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0410, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 February 17, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Rachel L. Arfa, et al.,  
Plaintiffs,

-against-

M-6134 & M-150  
Index No. 603602/05

Gadi Zamir, et al.,  
Defendants.

- - - - -  
[And Other Actions]  
- - - - -

Mintz, Levine, Cohn, Ferris,  
Glovsky & Popeo, P.C.,  
Intervenor-Plaintiff-Respondent,

-against-

546-552 West 146<sup>th</sup> Street LLC, et al.,  
Intervenors-Defendants-Appellants.

-----X

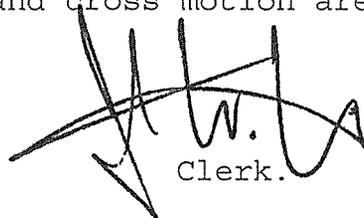
Intervenor-plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 [Appeal No. 4465] (M-6134),

And intervenors-defendants-appellants having cross-moved for the same relief (M-150),

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 and cross motion are 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 February 17, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X

Constantinos Mihelis,  
Plaintiff-Respondent-Appellant,

-against-

i.park Lake Success, LLC, et al.,  
Defendants-Appellants-Respondents,

M-5866  
Index No. 120857/03

The VSA Group,  
Defendant-Respondent.

i.park Lake Success, LLC, et al.,  
Third-Party Plaintiffs-Appellants,

Index No. 590346/05

-against-

Professional Waterproofing & Restoration,  
Inc.,  
Third-Party Defendant-Respondent.

[And a Second Third-Party Action]

-----X

Defendants-appellants-respondents 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 November 20, 2008 (Appeal No. 4632),

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 February 17, 2009

Present: Hon. Peter Tom, Justice Presiding,  
Luis A. Gonzalez  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against- M-6136  
Ind. No. 1823/07

Hector Manrique,  
Defendant-Appellant.

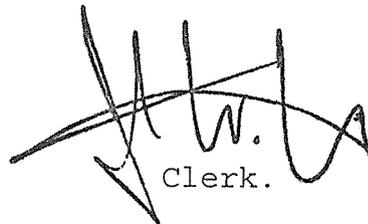
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 9, 2008 (Appeal No. 4762),

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 February 17, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Leland G. DeGrasse, Justices.

-----x

Michelle Nguyen,  
Plaintiff-Respondent,

-against-

Yasser Abdel-Hamed and Phivos C.  
Ioannou,  
Defendants-Respondents,

M-209  
Index No. 100227/06

-and-

Lei Chang and Carp Taxi Inc.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 25, 2008 (mot. seq. no. 002), and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial 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.

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 February 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

M-6382  
Ind. No. 529/98

Paul Tondee,

Defendant.  
-----X

A purported appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 30, 1999,

And defendant having moved for, inter alia, leave to file a late notice of appeal, to prosecute said appeal as a poor person, 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 February 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Janet Walker,

Plaintiff,

-against-

Hughes Hubbard & Reed, LLP,

Defendant.  
-----X

M-214

Index No. 118059/05

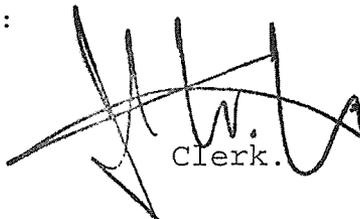
An order of this Court having been entered on December 9, 2008 (M-5324), inter alia, dismissing plaintiff's appeal,

And plaintiff having moved for reargument of the aforesaid order of this Court, and for other 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.

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 February 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-5659  
Ind. No. 6975/00

Timothy Williams,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 6, 2005 (Appeal No. 6676), unanimously modifying the judgment of the Supreme Court, New York County, rendered on or about April 21, 2003 (James A. Yates, J.), to the extent of reducing the sentence of each of defendant's convictions and directing that all sentences run concurrently,

And Supreme Court, New York County (James A. Yates, J.), having entered an order, sua sponte, on or about November 14, 2008, inter alia, referring the issue of defendant's status as a person subject to resentencing pursuant to Correction Law 601-d(1) to this Court,

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

Ordered that the order of transfer is vacated and the matter is remanded to Supreme Court for further proceedings pursuant to Correction Law 601-d(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 February 17, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Luis A. Gonzalez  
James M. Catterson  
Dianne T. Renwick, Justices.

-----X  
In the Matter of  
Isabella Star G.,

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

M-449  
Docket No. B12235/04

- - - - -  
Episcopal Social Services, et al.,  
Petitioners-Respondents,

Elizabeth G.,  
Respondent-Appellant,

Silvio G.,  
Respondent-Appellant.

- - - - -  
Fiordaliza Rodriguez, Esq.,  
Law Guardian for the Child.  
-----X

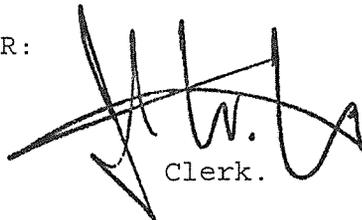
Appeals having been taken from the order of the Family Court, Bronx County, entered on or about July 2, 2007,

And respondent-appellant mother, Elizabeth G., having moved for an enlargement of time in which to perfect her 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 dismissed as academic this Court having enlarged the time of the parties in which to perfect their respective appeals to the May 2009 Term by order of this Court entered February 3, 2009 (M-103), a copy of which is annexed hereto.

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 February 3, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Luis A. Gonzalez  
James M. Catterson  
Dianne T. Renwick, Justices.

-----X  
In the Matter of  
Isabella Star G.,

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

M-103  
Docket No. B12235/04

-----  
Episcopal Social Services, et al.,  
Petitioners-Respondents,

Elizabeth G.,  
Respondent-Appellant,

Silvio G.,  
Respondent-Appellant.

-----  
Fiordaliza Rodriguez, Esq.,  
Law Guardian for the Child.  
-----X

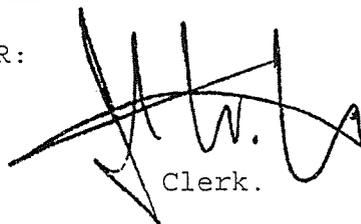
Appeals having been taken from the order of the Family Court, Bronx County, entered on or about July 2, 2007,

And respondent-appellant father, Silvio G., having moved for an enlargement of time in which to perfect his appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time of respondent-appellant father in which to perfect his appeal to the May 2009 Term; sua sponte, respondent-appellant mother's time in which to perfect her appeal is also enlarged to the May 2009 Term. The Clerk is directed to calendar the appeals for hearing together in said May 2009 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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

-against-

M-169  
Ind. No. 4465/06

Juan Urbaez, also known as  
Juan Urbeaz,  
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 30, 2007, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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

Ordered that the motion is granted to the extent of deeming the appeal 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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X

Marie Sander,

Plaintiff-Appellant,

-against-

M-6133

Index No. 104897/07

Arnold S. Kronick,

Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 1, 2007 (mot. seq. no. 003),

And defendant-respondent having moved to dismiss 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 and the appeal dismissed. (See M-6132 & M-239, decided simultaneously herewith.)

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Marie Sander,  
Plaintiff-Appellant,

-against-

Greenspan & Greenspan, et al.,  
Defendants-Respondents.  
-----X

M-6132

M-239

Index No. 107325/07

And appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 5, 2007 (mot. seq. no. 001),

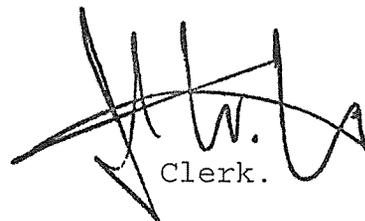
And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-6132),

And defendants-respondents having cross-moved to dismiss the appeal (M-239),

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 enlarge time is denied, the cross motion is granted, and the appeal is dismissed. (See M-6133, decided simultaneously herewith.)

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against- M-77  
Ind. No. 5455/07

Victor Perez,  
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 September 17, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

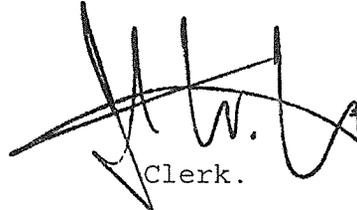
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Steven M. Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

-against-

M-217  
Case No. 02871C/08

Lindon Grant, also known as  
Lindon C. Grant,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 17, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

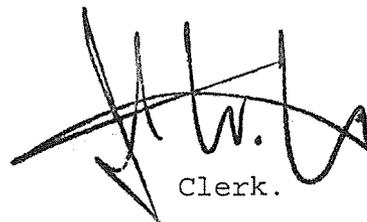
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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 February 17, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

-against-

Gustavo Holguin,  
Defendant-Appellant.

M-146  
M-147  
Ind. No. 6135/03

-----X

Counsel for defendant having moved by separate motions for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 7, 2006, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect the appeal,

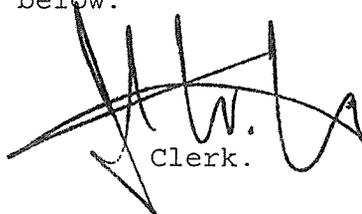
Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are 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 serve one copy of such brief upon the District Attorney of said county and file ten 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 sentence proceedings below. 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.

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of receipt by appellate counsel of the transcripts of the sentence proceedings below.

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
AWL Industries, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-192

Index No. 600275/06

QBE Insurance Corp.,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 17, 2007 (mot. seq. no. 002) and December 22, 2008 (mot. seq. no. 005),

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 appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

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 February 17, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Steven Akins,  
Plaintiff-Respondent,

-against-

M-202  
Index No. 23901/04

D.K. Interiors, Ltd., et al.,  
Defendants,

Akam Associates and 230 Tenants  
Corporation Co-op,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 23, 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 appellants' time in which to perfect the appeal to the June 2009 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 February 17, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

M-425

Tonya A.,  
Petitioner-Respondent,

Docket Nos. F17620/04

-against-

Hal H., also known as Hal H. H.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for inter alia, an enlargement of time in which to perfect the appeal from an order of the Family Court, Bronx County, entered on or about July 11, 2008 and for an order compelling production of transcripts 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 only to the extent of enlarging the time in which to perfect the appeal to on or before March 23, 2009 for the June 2009 Term, with no further enlargements to be granted. 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 February 17, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Cornealius Campbell,  
Plaintiff-Respondent,

-against-

M-286  
Index No. 303309/04

Anita Brown-Campbell,  
Defendant-Appellant.  
-----X

Defendant-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from the judgment of divorce of the Supreme Court, County, entered on or about March 20, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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. Sua sponte, the time in which to perfect the appeal is enlarged to on or about March 23, 2009 for the June 2009 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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Cynthia Griffin,  
Plaintiff-Appellant,

-against-

M-6170  
Index No. 123212/02

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

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about March 4, 2008 (mot. seq. no. 002) and from the judgment of said Court, entered on or about March 31, 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 appeals to the June 2009 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 February 17, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X  
Paul Winn,  
Plaintiff-Appellant,

-against-

M-5747  
Index No. 600462/07

Michalle Tvedt, etc., et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 28, 2008,

And plaintiff-appellant having moved for a preliminary appellate injunction pursuant to CPLR 5518 staying all actions by defendant 12 East 87<sup>th</sup> Street Owners Corp., seeking to terminate plaintiff-appellant's rights to the premises located at 12 East 87<sup>th</sup> Street, New York, New York, Units 8C and PH, inclusive of defendants' foreclosure action, 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 to the extent of staying the related foreclosure proceeding entitled *12 East 87<sup>th</sup> Street Owners Corp. v Winn* (Index No. 114929/08) on condition appellant perfect the appeal on or before March 23, 2009 for the June 2009, and upon further condition plaintiff cures all maintenance arrears within 20 days after the date of entry hereof and make all required maintenance payments to be received by defendant-respondent corporation's counsel no later than the 10<sup>th</sup> day of each month.

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-47

Ind. No. 297/04

Edward Bowman,

Defendant-Appellant.

-----X

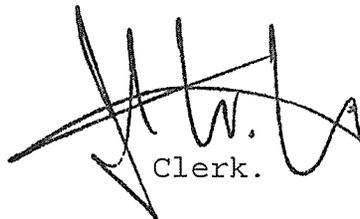
An order of this Court having been entered on December 30, 2008 (M-5566), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2006,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 2009 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been so returned.

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 February 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

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

Tristram K., /

M-196

Docket Nos. N6338/00  
V14734/06

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

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

Jing K.,  
Respondent-Appellant.

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

-----X  
Appeals having been taken from the orders of the Family Court, New York County, both entered on or about April 14, 2008, and said appeals having been perfected for the April 2009 Term,

And the Law Guardian having moved for an order striking respondent-appellant's appendix and brief or, in the alternative, adjourning 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 only to the extent of adjourning the appeals to the June 2009 Term; the motion insofar as it seeks to strike the appendix and brief is denied without prejudice to the advancement of any argument in the respondents' briefs related to the instant motion and including, but not limited to, a request to dismiss portions of respondent-appellant's appeal or to strike documents alleged to be de hors the record on appeal.

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 February 17, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

M-317  
Ind. No. 832/03

Joseph McNeil, also known as  
Steven McNeil,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about December 10, 2007, 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.

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 February 17, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Luis A. Gonzalez  
James M. Catterson, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5802

Ind. No. 819/01

Ricky Straker,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 28, 2005 (Appeal No. 5970), unanimously affirming the judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on May 30, 2003,

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.

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 February 17, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Doris Diaz,  
Petitioner,

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

M-562  
Index No. 400964/08

-against-

Tino Hernandez, as Chairman of the  
New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 17, 2008,

And petitioner having moved for a stay of eviction pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of continuing the interim stay of eviction proceedings granted **solely to petitioner** by the order of a Justice of this Court dated February 3, 2008, on condition that petitioner perfects the proceeding on or before March 23, 2009 for the June 2009 Term, without prejudice to respondent's remedies in the event of further violations.

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 February 17, 2009.

Present : Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta Justices.  
Helen Freedman,

-----X  
Philips South Beach, LLC,  
Plaintiff-Appellant,

-against-

M-5692  
Index No. 103021/07

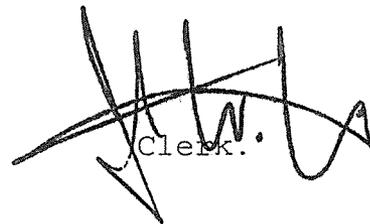
ZC Specialty Insurance Company,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 (Appeal No. 3760),

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 February 17, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-3979  
Ind. No. 2266/06

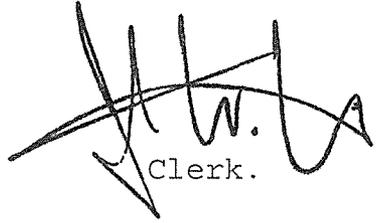
Mariano Hidalgo,  
Defendant-Appellant.  
-----X

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2006,

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.

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 February 17, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Antonio C., /

A Person Alleged to be a Juvenile  
Delinquent,

M-518  
Docket No. D7611/07

Respondent-Appellant.  
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, Bronx County, entered on or about October 17, 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 June 2009 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 February 17, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Louis Tatta,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-5868  
Index No. 400070/08

-against-

Verna Eggleston, etc., et al.,  
Respondents.  
-----X

Petitioner having moved for leave to file a late notice of appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2008, and for leave to prosecute said appeal as a poor person, 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 only to the extent of permitting petitioner to file a late notice of appeal within 30 days of the date of entry hereof. 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 February 17, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Vincent P. And Claudette P.,

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

- - - - -  
Administration for Children's Services, M-4172A  
Petitioners-Respondents, Docket Nos. NN12621-00/07F  
NN12622-00/07F  
Dorothy P., NN12621-00/07G  
Respondent-Appellant. NN12622-00/07G  
- - - - -

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

-----X

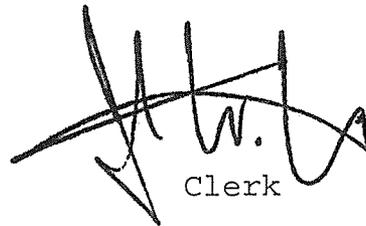
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 10, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> within 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. The order of this Court entered on November 20, 2008 (M-4172) is hereby recalled and vacated. (See M-690, 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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2009.

Present - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Vincent P. And Claudette P.,

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

- - - - -  
Administration for Children's Services,  
Petitioners-Respondents,

M-690  
Docket Nos. V08217-8/08  
V08220-1/08

Dorothy P.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 9, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> within 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-4172A, 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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2009.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-89  
Ind. No. 6101/07

Amaury Arrieta, also known as  
Amauru Arrieta,  
Defendant-Appellant.

-----X

Defendant having renewed the 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 July 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 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 post the \$25,000 bail in the Supreme Court, the disposition thereof, 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 February 17, 2009.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Maurice J. Benjamin,  
Plaintiff-Respondent,

-against-

M-140  
Index No. 602220/06

Madison Medical Building Condominium  
Board of Managers,  
Defendant-Appellant,

Mitchell Essig,  
Defendant-Appellant.

-----X

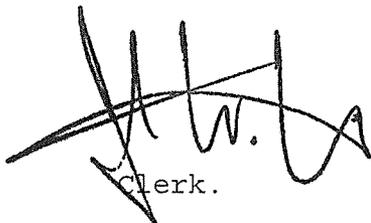
Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2009 (mot. seq. no. 003),

And appellant Madison Medical Building Condominium Board of Managers having moved for a stay of so much of the aforesaid order which, inter alia, granted plaintiff specific preference with respect to the right of first refusal to purchase a certain condominium unit, pending hearing and determination 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 on condition that the appeals, which are sua sponte consolidated, be perfected on or before March 23, 2009 for the June 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days after the date of entry hereof. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 in the County of New York on February 17, 2009.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Petra Fund REIT Corp.,

Plaintiff-Respondent,

-against-

M-297  
Index No. 602487/07

Michael Belfonti, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 13, 2009 (mot. seq. no. 007),

And defendants-appellants having moved to stay disclosure, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 February 17, 2009.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
David Friedman, Justices.

-----X  
Rita Citrin,  
Plaintiff-Respondent,

-against-

M-228  
Index No. 602119/07

Baratta and Goldstein, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 13, 2008 (mot. seq. no. 001),

And defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated January 15, 2009, is hereby vacated.

E N T E R:

  
Clerk.

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

BEFORE: Hon. Angela M. Mazzarelli,  
Justice of the Appellate Division

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

M-5619  
Ind. No. 6342/95

-against-

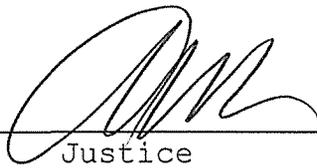
CERTIFICATE  
DENYING LEAVE

Johnny Parker,

Defendant.

-----X

I, Angela M. Mazzarelli, 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 (Tallmer, J.), entered on or about September 11, 2008, is hereby denied.

  
\_\_\_\_\_  
Justice

Dated: New York, New York

FEB 06 2009

**ENTERED** FEB 17 2009

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-4994  
Ind. No. 4632/02

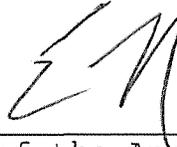
-against-

CERTIFICATE  
DENYING LEAVE

Wesley Thomas,

Defendant.  
-----X

I, Eugene L. Nardelli, 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 September 3, 2008, is hereby denied.



\_\_\_\_\_  
Justice of the Appellate Division

Dated: New York, New York

FEB 06 2009

ENTERED FEB 17 2009

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-5292  
Ind. No. 8087/92

-against-

CERTIFICATE  
DENYING LEAVE

Jose Orraca,

Defendant.

-----X

I, Eugene L. Nardelli, 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 September 25, 2008, is hereby denied.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: New York, New York

FEB 06 2009

ENTERED FEB 17 2009

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-5838  
Ind. No. 6159/96

-against-

CERTIFICATE  
DENYING LEAVE

Roberto Rosario,

Defendant.  
-----X

I, Eugene L. Nardelli, 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 October 16, 2008, is hereby denied.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: New York, New York

FEB 06 2009

ENTERED FEB 17 2009

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

BEFORE: Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

M-59  
Ind. No. 7537/02

-against-

CERTIFICATE  
DENYING LEAVE

Stephan Ross, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 20, 2008, is hereby denied.

Dated: New York, New York  
February 5, 2009

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**ENTERED** FEB 17 2009

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division