

MOTION NO. (1157/03) KA 01-00558. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY LINNEN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (1618/03) KA 03-00349. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAMION SMITH, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (1619/03) KA 03-00350. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAMION SMITH, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (781.1/05) KA 02-01330. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V YANCY WEAREN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, PERADOTTO, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (1123/06) KA 04-02221. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM M. NICHOLS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, GORSKI, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (1125/07) KA 06-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWN E. AKIN, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (72/08) KA 06-03305. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEVEN T. CARLISLE, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (915/08) KA 03-01573. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAMIAN JOHNSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., GREEN, GORSKI, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (1006/08) KA 07-00713. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JARVIS LASSALLE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (644/09) KA 08-00218. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JEREMY MILLER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, GORSKI, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (1136.2/09) CA 09-01520. -- DESTINY USA HOLDINGS, LLC,
PLAINTIFF-RESPONDENT, V CITIGROUP GLOBAL MARKETS REALTY CORP., DEFENDANT-
APPELLANT. -- Motion for leave to appeal to the Court of Appeals dismissed
on stipulation as withdrawn. PRESENT: SCUDDER, P.J, FAHEY, PERADOTTO,
GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (375/10) KA 09-00476. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V OHNJA OLOMONSA, ALSO KNOWN AS JOHN SOLOMON,
DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied.
PRESENT: CENTRA, J.P., FAHEY, CARNI, AND GREEN, JJ. (Filed June 10,
2011.)

MOTION NO. (1511/10) KA 09-02220. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V DANA P. BROWN, DEFENDANT-APPELLANT. -- Motion for reargument
denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS,
JJ. (Filed June 10, 2011.)

MOTION NO. (80/11) KA 10-00244. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V JEFFREY F. FASO, DEFENDANT-APPELLANT. -- Motion for
reargument denied. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND
MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (87/11) CA 10-01474. -- KAI LIN, PLAINTIFF-APPELLANT, V STRONG HEALTH, DEPARTMENT OF DENTISTRY, UNIVERSITY OF ROCHESTER MEDICAL SCHOOL, UNIVERSITY DENTAL FACULTY GROUP AND DR. CARLO ERCOLI, DEFENDANTS-RESPONDENTS. (AND ANOTHER ACTION.) (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (87.1/11) CA 09-02432. -- KAI LIN, PLAINTIFF-APPELLANT, V STRONG HEALTH, DEPARTMENT OF DENTISTRY, UNIVERSITY OF ROCHESTER MEDICAL SCHOOL, UNIVERSITY DENTAL FACULTY GROUP AND DR. CARLO ERCOLI, DEFENDANTS-RESPONDENTS. (AND ANOTHER ACTION.) (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (183/11) CA 10-01721. -- ALEXANDROS TSOULIS, PLAINTIFF-RESPONDENT-APPELLANT, V ABBOTT BROS. II STEAK OUT, INC., DEFENDANT-APPELLANT-RESPONDENT. -- Motion and cross motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, SCONIERS, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (233/11) CA 10-00034. -- JEFFREY J. PITTS AND BRENDA L. PITTS,

PLAINTIFFS-APPELLANTS, V BELL CONSTRUCTORS, INC., ALSO KNOWN AS BELL CONSTRUCTORS OF ROCHESTER, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., FAHEY, LINDLEY, GREEN, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (252/11) CA 10-01675. -- GENERAL STAR NATIONAL INSURANCE COMPANY, PLAINTIFF-APPELLANT, V NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC., DEFENDANT-RESPONDENT. -- Motion for reargument, leave to appeal to the Court of Appeals, and other relief denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, GREEN, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (269/11) CA 10-02252. -- IN THE MATTER OF COUNTY OF ERIE, PETITIONER-RESPONDENT, V CIVIL SERVICE EMPLOYEES ASSOCIATION, LOCAL 815, RESPONDENT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (293/11) CA 10-01650. -- CLEAR SKIES OVER ORANGEVILLE, PETITIONER-APPELLANT, V TOWN BOARD OF TOWN OF ORANGEVILLE, SUSAN MAY, HANS BOXLER, JR., JAMES HERMAN, ANDREW FLINT, AND TOM SCHABLOSKI, IN THEIR CAPACITIES AS TOWN BOARD MEMBERS, RESPONDENTS-RESPONDENTS, AND STONEY CREEK ENERGY LLC, INTERVENOR-RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J.,

CENTRA, CARNI, SCONIERS, AND GREEN, JJ. (Filed June 10, 2011.)

MOTION NO. (317/11) CA 10-01163. -- FRANK MCGUIRE, ET AL., PLAINTIFFS, AND MCGUIRE CHILDREN, LLC, PLAINTIFF-RESPONDENT, V WILLIAM L. HUNTRESS, ACQUEST HOLDINGS, INC., ACQUEST DEVELOPMENT, LLC, ACQUEST GOVERNMENT HOLDINGS OPP, LLC, ACQUEST GOVERNMENT HOLDINGS, U.S. GEOLOGICAL, LLC, AND LINCOLN PARK ASSOCIATES, LLC, DEFENDANTS-APPELLANTS. (APPEAL NO. 1.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (318/11) CA 10-01165. -- FRANK MCGUIRE, ET AL., PLAINTIFFS, AND MCGUIRE CHILDREN, LLC, PLAINTIFF-RESPONDENT, V WILLIAM L. HUNTRESS, ACQUEST HOLDINGS, INC., ACQUEST DEVELOPMENT, LLC, ACQUEST GOVERNMENT HOLDINGS OPP, LLC, ACQUEST GOVERNMENT HOLDINGS, U.S. GEOLOGICAL, LLC, AND LINCOLN PARK ASSOCIATES, LLC, DEFENDANTS-APPELLANTS. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND GORSKI, JJ. (Filed June 10, 2011.)

MOTION NO. (330/11) KA 09-01819. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V PAUL R. CURRIER, DEFENDANT-APPELLANT. -- Motion for reargument and/or reconsideration granted and, upon reargument, the memorandum and order entered April 1, 2011 (83 AD3d 1421) is amended by deleting the ordering paragraph and substituting the following ordering

paragraph "that the judgment so appealed from is unanimously modified on the law and as a matter of discretion in the interest of justice by reversing those parts convicting defendant of criminal trespass in the second degree and dismissing those counts of the indictment, and by reducing the sentences imposed for burglary in the second degree, attempted gang assault in the second degree and assault in the second degree to determinate terms of incarceration of six years, and as modified the judgment is affirmed," and by deleting the last two sentences of the memorandum and substituting the following sentences: "Finally, we agree with defendant that the sentences imposed for burglary in the second degree, attempted gang assault in the second degree and assault in the second degree are unduly harsh and severe. Thus, as a matter of discretion in the interest of justice (see CPL 470.15 [6] [b]), we modify the judgment by reducing the sentences for those counts to determinate terms of incarceration of six years." PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (344/11) CA 10-01730. -- JOAN HAYMON, INDIVIDUALLY AND AS MOTHER AND NATURAL GUARDIAN OF LEONARD HAYMON, AN INFANT, PLAINTIFF-APPELLANT, V DONALD J. PETTIT, DEFENDANT, AND CITY OF AUBURN, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ. (Filed June 10, 2011.)

MOTION NO. (412/11) KA 06-01424. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY N. OTT, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., FAHEY, PERADOTTO, AND MARTOCHE, JJ. (Filed June 10, 2011.)

KA 10-01837. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SALVATORE J. ABRAMO, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Allegany County Court, Thomas P. Brown, J. - Violation of Probation). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ. (Filed June 10, 2011.)

KA 08-02287. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHEILA L. SMITH, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Monroe County Court, Richard A. Keenan, J. - Attempted Robbery, 1st Degree). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ. (Filed June 10, 2011.)

KA 08-01553. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SEAN P. TRACY, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Monroe County,

Patricia D. Marks, A.J. - Petit Larceny). PRESENT: SCUDDER, P.J.,
PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ. (Filed June 10, 2011.)