

State of New York
Court of Appeals

Decisions

July 21, 2022

CASE

1 No. 82 SSM 12
The People &c.,
 Respondent,
 v.
Darrell Hemphill,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, upon reargument, following remand from the Supreme Court of the United States, order affirmed, in a memorandum.
Chief Judge DiFiore and Judges Rivera, Garcia, Wilson, Singas, Cannataro and Troutman concur.

MOTIONS

1 Mo. No. 2022-307
3rd and 60th Associates Sub LLC,
Appellant,
v.
Third Avenue M & I, LLC, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2022-413
4A General Contracting Corp. et al.,
Appellants,
v.
Letitia James, &c. et al.,
Respondents,
et al.,
Defendant.

Motion for reargument of motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2022-347
The People &c.,
Respondent,
v.
Herman Anthony,
Appellant.

Motion for leave to appeal granted.
Motion for poor person relief granted.

1 Mo. No. 2022-319
Clifford A. Arrey,
Appellant,
v.
Tuck It Away-East Side, Inc., et al.,
Respondents.

Motion to vacate this Court's March 22, 2022 dismissal order denied.
Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2022-416
In the Matter of Karl J. Ashanti,
Appellant,
v.
New York City Conflicts of Interest Board,
Respondent.

Motion, insofar as it seeks leave to appeal from the November 2021 Appellate Division order, dismissed as untimely (*see* CPLR 5513 [b]; *Eaton v State of New York*, 76 NY2d 824 [1990]); motion, insofar as it seeks leave to appeal from the February 2022 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2022-336
The People &c.,
Respondent,
v.
Marcus Brown,
Appellant.

Motion for leave to appeal granted.

1 Mo. No. 2022-300
David Bryant,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2022-289
The People &c.,
Respondent,
v.
Jesse J. Buchanan,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-399
Wilfredo Colon, et al.,
Appellants,
v.
Willie Martin, Jr., et al.,
Respondents.

Motion for reargument dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.24 [b]).

1 Mo. No. 2022-340
Carol Commissiong,
Appellant,
v.
State of New York Division of Housing and
Community Renewal,
Respondent.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2022-321
The People &c.,
Respondent,
v.
Toussant Corrica,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2022-370
Ruben Elberg, &c.,
Respondent,
v.
Crabapple Corp.,
Defendant,
Tamara Pewzner, &c., et al.,
Appellants,
Royal One Real Estate, LLC, et al.,
Nominal Defendants-Appellants,
et al.,
Nominal Defendants.

Motion for leave to appeal dismissed upon the
ground that the orders sought to be appealed from do
not finally determine the action within the meaning
of the Constitution.

2 Mo. No. 2022-384
The People &c.,
Respondent,
v.
Gariem Emery,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2022-261
In the Matter of Nachum Dov Finkelstein et
al.,
Respondents,
v.
Reuven Finkelstein et al.,
Appellants,
et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2022-293
Geraldine Ford,
Appellant,
v.
Karen M. Lee, &c.,
Respondent,
et al.,
Defendant.

Motion for leave to appeal denied.

1 Mo. No. 2022-389
The People &c.,
Respondent,
v.
Luis Frances,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2022-378
The People &c.,
Respondent,
v.
Mark Gatling,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2022-409
In the Matter of Darlene H.,
Respondent,
v.
Abdus R.,
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

2 Mo. No. 2022-306
The People &c.,
Respondent,
v.
Bruce Haims,
Appellant.

Motion for leave to appeal denied.
Judge Singas took no part.

2 Mo. No. 2022-314
The People &c.,
Respondent,
v.
Philip Joe,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2022-339
In the Matter of Kathryn K., &c.,
Respondent,
v.
Derek S.,
Appellant.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2022-374
Rahamim Kattan et al.,
Appellants,
v.
119 Christopher LLC, &c.,
Respondent.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the action within the
meaning of the Constitution.

3 Mo. No. 2022-305
Brian J. Kegelmann et al.,
Appellants,
v.
Town of Otsego,
Respondent.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the action within the
meaning of the Constitution.

1 Mo. No. 2022-354
Liberty Square Realty Corp.,
Appellant,
v.
The Doe Fund, Inc., et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2022-311
In the Matter of Nannan Liu,
Respondent,
v.
Jeanette Ruiz, &c.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

3 Mo. No. 2022-286
M.M.,
Appellant,
v.
Church of Our Lady of the Annunciation et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

3 Mo. No. 2022-287
J.M.,
Appellant,
v.
Church of Our Lady of the Annunciation et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2022-405
The People &c.,
Respondent,
v.
Eric McCoy,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2022-386
Catherine Montgomery,
 Appellant,
 v.
215 Chrystie LLC, et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2022-323
In the Matter of County of Nassau,
 Respondent,
 v.
Nassau County Investigators Police
Benevolent Association, Inc.,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.
Judge Singas took no part.

2 Mo. No. 2022-297
NYCTL 1998-2 Trust, &c.,
 Plaintiff,
 v.
DR 226 Holdings, LLC, et al.,
 Defendants,
Warren Johnson,
 Respondent;
Adam Plotch,
 Intervenor,
AdelphiF, LLC,
 Nonparty-Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Chief Judge DiFiore took no part.

4 Mo. No. 2022-338
Josue Ortiz,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2022-368
Nancy Pak, &c. et al.,
Appellants,
v.
Arnold E. DiJoseph, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2022-380
P.A.L. Environmental Safety Corp., &c.,
Plaintiff,
v.
APS Contracting, Inc., et al.,
Defendants.
(And a Third-Party Action.)

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

APS Contracting, Inc.,
Second Third-Party Appellant,
v.
New York City Housing Authority,
Second Third-Party Respondent.

1 Mo. No. 2022-268
In the Matter of Panasia Estate Inc.,
Appellant,
v.
29 West 19 Condominium, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

3 Mo. No. 2022-114
Christopher Porco et al.,
Appellants,
v.
Lifetime Entertainment Services, LLC,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2022-310
In the Matter of Powis Contracting, Inc.,
Appellant,
v.
Jefferson Community College et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2022-375
The People &c.,
Respondent,
v.
Israel Reyes,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2022-343
Charles Rochester,
Appellant,
v.
City of New York, et al.,
Respondents.

Motion for reargument of motion for leave to appeal &c. denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2022-325
The People &c.,
Respondent,
v.
Virgilio Rosario,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-328
Joel Rosenzweig, et al.,
Respondents,
v.
Simon Gubner, &c. et al.,
Appellants,
1225 50th Street LLC,
Appellant.

Motions for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2022-277
The People &c.,
Respondent,
v.
Francisco Santana,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-369
The People &c.,
Respondent,
v.
Jermaine L. Scott,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2022-357
The People &c.,
Respondent,
v.
Jeremiah Simmons,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-308
In the Matter of Irina Spickina,
Respondent,
v.
Marcello L. Roque,
Appellant.
(And Other Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

2 Mo. No. 2022-257
Gawayne J. Stockton et al.,
Appellants,
v.
H&E Biffer Enterprises No. 2, LLC, et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2022-327
The People &c.,
Respondent,
v.
Nestor Suazo-Lopez,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2022-410
The People &c.,
Respondent,
v.
Jose Torres,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2022-313
Torto Note Member, LLC,
Respondent,
v.
Chaim Babad et al.,
Appellants,
et al.,
Defendant.

Motion for leave to appeal dismissed as untimely
(*see* CPLR 5513 [b]; 2103 [b] [6]).

3 Mo. No. 2022-358
In the Matter of City of Troy,
Respondent;
Troy Uniformed Firefighters Association,
Local 86 IAFF, AFL-CIO,
Appellant.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

2 Mo. No. 2022-291
U.S. Bank National Association, &c.,
Respondent,
v.
Latanya Pierce,
Appellant,
et al.,
Defendants.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the action within the
meaning of the Constitution.

4 Mo. No. 2022-485
In the Matter of the Adoption of William.

Jonathan A.H. et al.,
 Appellants;
Amanda Y.D. et al.,
 Respondents.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

2 Mo. No. 2022-385
The People &c.,
 Respondent,
 v.
Robert Williams,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2022-337
Word of God Fellowship, Inc., &c.,
 Appellant,
 v.
Vimeo, Inc., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2022-228
The People &c.,
 Respondent,
 v.
Michael Worley,
 Appellant.

Motion for leave to appeal granted.

3 Mo. No. 2022-329
In the Matter of Fred Wustrau,
 Respondent,
 v.
Accord Fire District, et al.,
 Appellants,
et al.,
 Respondent.

Motion for leave to appeal denied.