

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----x
The People of the State of New York, M-793
Respondent, M-794
M-796
M-797
-against- Ind. No. 602/07

Julio Cruz,
Defendant-Appellant.

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

-against- Ind. Nos. 3650/08
4230/07

Juan Batista,
Defendant-Appellant.

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

-against- Ind. No. 4129/08

Timothy Tate,
Defendant-Appellant.

-----x

Separate appeals having been taken by the above-entitled parties from judgments of the Supreme Court, New York County, rendered on or about June 23, 2008 (*People v Julio Cruz*/Ind. No. 602/07), October 29, 2008 (*People v Juan Batista*/Ind. Nos. 3650/08, 4230/07) and July 23, 2008 (*People v Timothy Tate*/Ind. No. 4129/08), and said appeals having been perfected,

And an order of this Court having been entered on February 26, 2015 (M-6224), having consolidated the aforesaid appeals for the limited purpose of oral argument,

And the Brennan Center for Justice at NYU Law School having moved by separate motions (M-794/M-796/M-797) to intervene in the aforesaid consolidated appeals, and to consolidate the aforesaid motions (M-793),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Peter B. Silverman, Esq., dated April 2, 2015, and due deliberation having been had thereon,

It is ordered that the aforesaid motions in the above consolidated matters are deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-784
Case No. 17692C/12

Markel Smalls,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April, 3, 2012,

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 April 23, 2015.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-343
Ind. No. 3237/14

Errol Sweeney,
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 December 3, 2014, 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, pursuant to Rule 600.11 of the Rules of this Court.

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

Seymour W. James, Jr., Esq., Legal Aid Society, 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. (See M-410, 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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rolando T. Acosta
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-410
Ind. No. 3237/14

Errol Sweeney,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Margaret Clancy, J.) entered on or about December 3, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Clancy as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., 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. (See M-343, 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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-870
Ind. No. 3350N/13

Tajammal Sharief Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 29, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Xiamata McC. Docket Nos. NA-13161/13
Xion McC., NA-13157/13
Lenerd McC., NA-13159/13
Paris P., NA-13160/13
and Jahnyah P., NA-13158/13

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

M-1018

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

Rotimi O.,
Respondent-Appellant.
- - - - -

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

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 19, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. (212) 965- 0050, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1021 decided simultaneously herewith).

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Ayo O.,
and Ayonna O.,

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

M-1021
Docket Nos. NA-29986/13
NA-29987/13

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

Rotimi O.,
Respondent-Appellant.

Robert Himmelman, Esq.,
Attorney for the Children.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 19, 2014, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Bruce A. Young, Esq., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. (212) 965-0050, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1808, decided simultaneously herewith.)

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Dante W.,

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

M-1022
Docket No. NN-31236/10

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

Norman W.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about January 22, 2015, and from an order of said Court entered on or about February 4, 2015, 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, NY 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;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Jeanine H.,
Petitioner-Appellant,

M-1034
Docket No. V-42946-14/14A

-against-

Robert Allen B.,
Respondent-Respondent.

-----X
Petitioner-appellant 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 26, 2015, 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, Susan Barrie, Esq., 401 Broadway, Suite 1902, New York, NY 10606, Telephone No. 917-612-5999, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the

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

Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

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

CLERK

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

ENTER:


CLERK

Seymour W. James, Jr., Esq., Legal Aid Society, 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

Seymour W. James, Jr., Esq., Legal Aid Society, 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

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

(Corrected Order April 23, 2015)

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-295

Ind. No. 13761/91

Jose Rodriguez,
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 (Burke, J.), entered on or about December 22, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 April 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Diane T. Renwick, Justices.

-----X
Patricia Gil,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-1106**
of the Civil Practice Law and Rules, Index No. 400855/14

-against-

NYS Division of Human Rights,
Respondent-Respondent.
-----X

Petitioner-appellant pro se having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about October 22, 2014, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 files 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein,

if any, for inclusion in the record on appeal; which record the Clerk is directed to transmit to this Court, with a copy to appellant counsel, the cost thereof to be charged against the City of New York from funds available therefor. So much of the motion which seeks the assignment of counsel is denied.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Isaac Ansimeon F.,
also known as Isaac F.,

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

Graham-Windham Services to Children
and Families, et al.,
Petitioners-Respondents,

M-5019
Docket No. B-3434/08

Crystal F., also known as
Crystal A. F.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother Crystal F. having moved for leave to prosecute, as a poor person, the appeal from the Order of Disposition, Adjudication, Findings of Fact and Conclusions of Law of the Family Court, Bronx County, entered on or about April 7, 2014, 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 denied as unnecessary, said relief having been granted by the order of this Court entered October 9, 2015 (M-4095).

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 April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-899
Ind. No. 3007/08

Devin Alexander,

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 October 20, 2014,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

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 April 23, 2015.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-900
Ind. No. 2970/13

Ramon Medina-Feliz,

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 November 14, 2014,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed.

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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Dianne T. Renwick
Judith J. Gische, Justices.

-----X
The City of New York,
Plaintiff-Appellant,

-against-

M-1175
Index No. 451366/12

Granite State Insurance Company,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 16, 2014, and from an order and judgment (one paper) of the same Court and Justice entered on or about March 4, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Modesto Gomez,
Plaintiff-Appellant,

-against-

M-910
Index No. 105047/05

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

-----X
(And a third-party action)

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 23, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2015 Term.

ENTER:



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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of
Health Care Subrogation Group for
Global Health Insurance (GHI),
Petitioner-Respondent,

M-1148
Index No. 653035/14

For an Order Pursuant to Article 75
of the Civil Practice Law and Rules,

-against-

American International Group,
Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about December 23, 2014, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Chelsea New York Realty Company,
L.L.C.,

Petitioner,

-against-

M-946
Index No. 571021/14

Michelle McGuirk,

Respondent.
-----X

Respondent pro se having moved for certain injunctive relief denied by the Supreme Court, Appellate Term, First Department, on or about February 24, 2015, 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 April 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Sebastian M.,

Petitioner,

-against-

Tatiana V.,

Respondent.
-----X

M-1105
Docket Nos.
F-55958-09/13

Petitioner having moved for an order staying reinstatement of a certain order of the Family Court, New York County, entered on or about February 23, 2015, 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 April 23, 2015.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

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

Ninoska M.,
Petitioner-Appellant,

M-5341
Docket No. V-04648-00/14E

-against-

Timothy C.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 4, 2014, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth facts sufficient to establish that petitioner has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by petitioner.)

ENTER:


CLERK

(Corrected Order April 29, 2015)

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against- M-1149
Ind. No. 2102/10

Jaime DeJesus,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 2, 2013,

And defendant-appellant having moved for an order unsealing and enlarging the record on appeal to include certain portions of the trial minutes specifically, pages 50-52 of the transcript of proceedings on February 27, 2013, pages 330-333 of the transcript of proceedings on March 11, 2013 and pages 399-400 of the transcript of proceedings on March 13, 2013,

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 unsealing and enlarging the record to include the aforesaid portions of the trial minutes and the Clerk of the Supreme Court is directed to have made and filed with the Criminal Court the aforesaid portions of the record, if not already done, and to furnish a copy of same to appellate counsel, for inclusion in the record and, sua sponte, the time to perfect the appeal is enlarged to the October 2015 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 April 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Dianne T. Renwick
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Posses & Chasan CPA's PLLC,
Plaintiff-Appellant,

-against-

M-1274
Index No. 650536/14

Citibank, N.A.,
Defendant.

-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 6 2015,

And plaintiff-appellant having moved to stay enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X

Samuel Alan Spearin,
Plaintiff-Appellant,

-against-

M-1179
Index No. 155561/12

Linmar, L.P.,
Defendant-Respondent,

-and-

United Woodtank Corporation,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2014 (mot. seq. no. 004), and said appeal having been perfected,

And plaintiff having moved for a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted.

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 April 23, 2015.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Diane T. Renwick
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
William DiMarzo and Mary DiMarzo,
Plaintiffs-Respondents,

-against-

M-1112

Index No. 107593/11

Jones Lang LaSalle Americas, Inc.,
Defendant-Appellant,

Ocean Pacific Interiors, Inc.,
Defendant-Appellant.

-----X
Ocean Pacific Interiors, Inc.,
Third-Party Plaintiff-Appellant,

Third-Party
Index No. 590206/10

-against-

F & G Mechanical Corp., et al.,
Third-Party Defendants.

-----X

Defendant-appellant, Jones Lang LaSalle Americas, Inc., having moved for an order staying trial in the above-entitled action pending hearing and determination of the respective appeals taken by appellants from the order of the Supreme Court, New York County, entered on or about April 16, 2014, said appeals having been perfected,

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 April 23, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Leland G. DeGrasse
Judith J. Gische
Darcel D. Clark, Justices.

-----X

HSBC Bank USA, et al.,
Plaintiff-Respondent,

-against-

M-5209

Index No. 381904/09

Betty Lugo,
Defendant-Appellant,

New Century Mortgage Corp., et al.,
etc.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 17, 2014, and said appeal having been perfected and argued on October 16, 2014 (Appeal No. 13454),

And defendant having moved for this Court to take judicial notice of a certain two orders of the Supreme Court with respect to the determination of said appeal,

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

Ordered that the motion is denied.

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 April 23, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Paul G. Feinman, Justices.

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

-against-

David Kelly,
Defendant-Appellant.

M-100
Ind. Nos. 5564/91
9862/90

-----X

A decision and order of this Court having been entered on April 22, 1997 (Appeal No. 60584), unanimously affirming a judgment of the Supreme Court, Bronx County (John Collins, J.), rendered on December 8, 1992,

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 April 23, 2015.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Paul G. Feinman, Justices.

-----X
Joseph T. Stearns,
Plaintiff-Appellant,

-against-

M-1068

Index No. 651057/13

Kenny & Stearns, et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on February 24, 2015 (M-6297/M-6373), inter alia, dismissing plaintiff's appeal taken from an order of the Supreme Court, New York County, entered on or about February 28, 2014 (mot. seq. no. 004),

And plaintiff having moved for reargument/reconsideration of the aforesaid order of this Court, reinstatement of said appeal and an enlargement of time to perfect same,

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

It is ordered that so much of plaintiff's motion for reargument is granted, and upon reargument, the aforesaid appeal from the order entered on or about February 28, 2014 is reinstated and the time to perfect same is enlarged to the September 2015 Term. 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 April 23, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Richard T. Andrias
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Keith Luebke,
Plaintiff-Respondent,

-against-

M-6242
Index No. 114861/08

MBI Group, et al.,
Defendants,

Pinnacle Contractors of NY, Inc.,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 20, 2014 (Appeal No. 13553),

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 April 23, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X
55 Gans Judgment LLC as Successor in
Interest to Union Center National Bank,
Plaintiff-Respondent,

-against-

M-74
Index No. 106008/11

Gerald Romanoff, et al.,
Defendants-Respondents.

The Sheryl Romanoff Irrevocable
Grantor Trust, et al.,
Defendants-Appellants,

John Does 1 through 10 ("John Does"),
Defendants.

55 Gans Judgment LLC as Successor in
Interest to Union Center National Bank,
Plaintiff-Respondent,

-against-

Gerald Romanoff, et al.,
Defendants-Respondents.

The Sheryl Romanoff Irrevocable
Grantor Trust, et al.,
Defendants.

Robert Romanoff,
Proposed Intervenor-Appellant,

Frank D. Platt, Esq., etc.,
Respondent-Respondent.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 4, 2014 (Appeal No. 13669-13670N),

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-1270
Ind. No. 2841/96

Emiliano Adon,
Defendant-Appellant.

-----x

An appeal having been entered from the judgment of the Supreme Court, New York County, rendered on or about April 3, 1997, and said appeal having been perfected,

And an order of this Court having been entered on July 3, 2014 (M-2692), granting defendant-appellant an enlargement of time to perfect the aforesaid appeal,

And respondent having moved for reconsideration of the aforesaid order of this Court entered July 3, 2014 (M-2692) and for other relief,

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

It is ordered that the motion is denied.

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 April 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----x
In the Matter of an Article 75 Proceeding,

Steven G. Shapiro, et al., M-1230
Petitioners-Appellants, M-1436

-against- Action No. 1
Index No. 651230/14

Daniel B. Hayes,
Respondent-Respondent.

- - - - -
In the Matter of an Article 75 Proceeding,

Steven G. Shapiro, et al.,
Petitioners-Appellants,

-against- Action No. 2
Index No. 650293/14

Daniel B. Hayes,
Respondent-Respondent.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 26, 2015, and said appeal having been perfected,

And petitioners-appellants having moved to enlarge the record on appeal to include a certain Answering Statement and Counterclaims of respondent-respondent Daniel B. Hayes, dated December 17, 2012 (M-1230),

And respondent-respondent Daniel B. Hayes, having cross-moved to strike all references to the aforesaid Answering Statement and Counterclaims dated December 17, 2012 and to deny petitioner's motion to enlarge the record on appeal to include same (M-1436),

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 the record on appeal is denied (M-1230). The cross motion is granted to the extent of deeming struck the portions of petitioner's main appellate brief that refer to said Answering Statement and Counterclaims of respondent dated December 17, 2012; and otherwise denied (M-1436).

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 April 23, 2015.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

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

-against-

M-885
Ind. No. 2245/12

Daisy Rangel,
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 November 1, 2013, for leave to prosecute the appeal as a poor person upon 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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 April 23, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

M-990
Ind. No. 5435/13

Edison Nunez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 22, 2014, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 April 23, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Sallie Manzanet-Daniels
Darcel D. Clark
Barbara R. Kapnick, Justices.

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

-against-

Traille Turner,
Defendant-Appellant.

M-1010
Ind. Nos. 414/12
5/13

-----X

An order of this Court having been entered on September 30, 2013 (M-3225), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 9, 2013, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 April 23, 2015.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----X
Cyril Okolie,
Petitioner,

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

M-945
Index No. 101364/13

-against-

New York City Department of Housing
and Development,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 23, 2014, to review a determination of respondent,

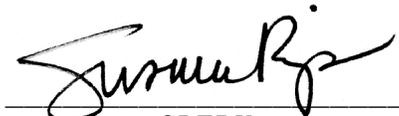
And petitioner having moved for an order directing the Supreme Court to forward to this Court a full original record on appeal, for an enlargement of time to perfect said appeal, and poor person relief,

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 deeming the request for an order directing Supreme Court to provide transcripts as one for enlargement of the record, and as such granting that relief to the extent of directing Corporation Counsel to either; (1) make available for copying by petitioner (at his expense) the transcript containing the testimony of

witness Shirley Soffer cited in the municipal respondent's answer to the petition at Para. 170, and discussed in the answer of respondent Washington Square Southeast at paras. 43 through 48, or (2) if no such transcript exists, to produce an affidavit, to be served upon petitioner and filed with this Court, explaining the efforts made to determine whether or not a transcript of testimony by said witness is available and why those efforts were unsuccessful; the time to perfect the appeal is enlarged to the October 2015 Term, and 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 April 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter
Barbara R. Kapnick, Justices.

-----X
In the Matter of the Application of
Tony Barrow,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-940
of the Civil Practice Law and Rules, Index No. 402352/12

-against-

New York City Housing Authority,
Respondent-Respondent.
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 25, 2013, to review a determination of respondent,

And respondent having moved to dismiss the proceeding for failure to timely perfect,

Now, upon reading and filing the papers with respect to said motions, 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 April 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Autumn Headen, an infant by her Mother
and Natural Gaurdian Ladrena Loudermilk,
et al.,
Plaintiffs-Appellants,

-against-

M-5221
Index No. 17137/01

Riverbay Corporation,
Defendant-Respondent.
-----X

Respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 24, 2012, and a judgment of the same Court entered on or about December 3, 2012, for failure to timely perfect,

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

It is ordered that the motion is granted 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 April 23, 2015.

Present: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Pac Fung Feather Co., Ltd.
Plaintiff/Counterclaim Defendant/
Respondent,

-against-

M-760

M-853

Index No. 600865/10

Porthault NA Ltd.,
Defendant/Counterclaim Plaintiff/
Appellant.

-----X
Porthault NA Ltd.,
Third-Party Plaintiff/Appellant,

-against-

Third-Party

Index No. 590549/10

Davide Fanelli,
Third-Party Defendant/Respondent,

-and-

Luca Lucarelli,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 23, 2011,

And plaintiff/counterclaim defendant/respondent,
Pac Fung Feather Co., Ltd., having moved for dismissal of the
appeal of third-party plaintiff/appellant, Porthault NA Ltd.,
(M-760),

And third-party defendant/respondent, Davide Fanelli,
having moved for the same relief (M-853),

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 denied, without prejudice to raising issues in the their respective respondent's briefs 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 April 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
In Re Eliyahu, an infant.

David B. and Jennifer B.,
Petitioners-Appellants,

SURROGATE'S COURT

-against-

M-6165
File No. 0178/2010

Artur N.,
Respondent-Respondent,

Anne Reiniger, Esq.,
Counsel for the Child.

-----x

An appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about October 14, 2014,

And, Anne Reiniger, Esq., counsel for the subject child having renewed a motion, on the subject child's behalf, for poor person relief, the assignment of Anne Reiniger, Esq., as counsel on the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 262(a) (vii) of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, Tel. No. (212)972-5430), as counsel for purposes of responding to the appeal on behalf of the subject child; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 April 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Gem Holdco, LLC and Gem Ventures,
Ltd.,

Plaintiffs,

-against-

Ridgeline Energy Services, Inc.
and Dennis Danzik,
Defendants-Appellants,

M-1264
Index No. 650841/13

Changing World Technologies, L.P.,
et al.,

Defendants,

CWT Canada II Limited, et al.,
Defendants-Respondents.

-----X
(And a third-party action)

An appeal having been taken by defendants-appellants and third-party defendants-appellants, Elizabeth Danzik and Deja II, LLC, from an order of the Supreme Court, New York County, entered on or about March 18, 2015 (mot. seq. no. 010),

And defendants-appellants and third-party defendants-appellants having moved for a stay of enforcement of the aforesaid order and a stay of 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.

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 April 23, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-1257
Ind. No. 3219/06

Jamaar Fowler,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on February 3, 2015 (M-5024), granting defendant leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on September 4, 2014, denying defendant 440 relief,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about September 4, 2014, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter, if not already made in connection with a prior direct appeal or of no longer extent, 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,
120 Wall Street, 28th Floor, 10005, Telephone No. 212-577-2523,
is assigned as counsel for defendant-appellant for purposes of the
appeal. The time within which appellant shall perfect this appeal is
hereby enlarged until 120 days from the date of filing of the record.

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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

Samuel Mininni,
Plaintiff-Respondent,

-against-

M-1390
Index No. 260584/13

Department of Housing Preservation
and Development,
Defendant-Appellant,

-and-

Hutchinson Parkway Apartment, Inc.,
Defendant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 13, 2014,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Carol Jordan,
Petitioner,

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

M-988
Index No. 401896/13

-against-

New York City Administration for
Children's Services, and The Children's
Village,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 3, 2014, to review a determination of respondents,

And petitioner, pro se, having moved for an enlargement of time to perfect the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to the October 2015 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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr. Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X

James J. Harrington,
Petitioner-Respondent,

-against-

M-1131
Index No. 102377/11

Laura Lisa Smith and Smith Chororos
Ltd.,
Respondents-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about April 1, 2014; a judgment of the same Court entered on or about April 21, 2014 and from an order of the same Court entered on or about June 13, 2014, and said appeals having been perfected,

And respondents-appellants having moved for a stay of enforcement of the aforesaid judgment entered on or about April 21, 2014, 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 to the extent of continuing the interim stay granted by a Justice of this Court on March 17, 2015.

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 April 23, 2015.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X

The Travelers Indemnity Company,
Plaintiff-Respondent,

-against-

M-982
Index No. 603601/02

Orange and Rockland Utilities, Inc.,
Defendant-Appellant,

John Doe Corporations 1-100,
Defendants.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 8, 2015 (Appeal No. 13918-23),

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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X

The People of the State of New York
ex rel. Joel S. Butler,
Petitioner,

-against-

M-997
Index No. 3639/99

Turhan Gumusdere, Warden, et al.,
Respondent(s).

-----X

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

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

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

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

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Anna M. Kross Center, 18-18 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 23, 2015.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
City World Motors, LLC,
Petitioner,

For a Judgment Pursuant to Article 78 **M-1389**
of the Civil Practice Law and Rules, Index No. 102122/12

-against-

The Commissioner of the Department
of Consumer Affairs of the City of
New York,
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 July 12, 2012,

And an order of this Court having been entered on January 23, 2014 (M-5256) staying enforcement of the aforesaid determination of respondent, inter alia, on condition petitioner posted an undertaking in the amount of \$24,000; said undertaking having been posted,

And respondent having moved for an order assigning petitioner's rights to certain funds in the sum of \$24,000 deposited by petitioner with the New York County Clerk Court and Trust Fund to the Department of Consumer Affairs of the City of New York, and authorizing the release of such funds to same,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 26, 2015, and due deliberation having been had thereon, it is

Ordered that the motion is granted, to the extent of deeming the proceeding withdrawn and, directing the New York County Clerk and Trust Fund to release the funds in the sum of \$24,000 deposited by petitioner, to the Department of Consumer Affairs of the City of New York, and authorizing the release of such funds to same, 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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Leland G. DeGrasse
Judith J. Gische, Justices.

-----X
Rosmil Castillo, an infant by her
Mother and Natural Guardian, Gisela
Ramirez, and Gisela Ramirez,
Plaintiffs-Appellants,

-against-

M-907
Index No. 20888/10

Ronald Lefevre, Kyra Nera, Inc.,
and John A. Mondesire,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about May 7, 2014,

And plaintiff's counsel having moved to withdraw as counsel, for an enlargement of time to perfect the aforesaid appeal and for a lien of certain attorneys' fees,

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 granted to the extent of permitting Valdebenito & Associates, PC, (Cesar Valdebenito, Esq., as counsel) to withdraw as plaintiff's appellate counsel and enlarging the time to perfect the appeal to the September 2015 Term, and 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 April 23, 2015.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Zoran Scekcic and Vesna Scekcic,
Plaintiffs-Respondents,

-against-

SL Green Realty Corp., et al.,
Defendants-Appellants.

M-1223
Index No. 113386/10

-----X
Structure Tone, Inc.,
Third-Party Plaintiff,

-against-

React Industries, Inc., et al.,
Third-Party Defendants-Respondents-
Appellants.

Third-Party
Index No. 590275/11

-----X
Structure Tone, Inc., et al.,
Second-Third-Party Plaintiffs-
Respondents-Appellants,

-against-

FRP Sheet Metal Contracting Corp.,
Second-Third-Party Defendant-
Respondent-Appellant.

Second-Third-Party
Index No. 590815/11

-----X
Structure Tone, Inc., et al.,
Third Third-Party Plaintiffs-
Respondents-Appellants,

-against-

React Industries, Inc., et al.,
Third-Third-Party Defendants-
Respondents-Appellants.

Third-Third-Party
Index No. 590948/12

-----X

Second/third-party defendant-respondent-appellant, FRP Sheet Metal Contracting Corp., having moved for a stay of trial including jury selection, pending hearing and determination of the appeal and cross appeal taken from the order of the Supreme Court, New York County, entered on or about January 24, 2014, and said appeal and cross appeal having been perfected,

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 April 23, 2015.

Present: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X

Patrick H. Barclay, also known as
Independent Anchor,
Plaintiff-Appellant,

M-854

Index No. 401104/12

-against-

Citibank, N.A.,
Defendant-Respondent.

-----X

An order of this Court having been entered on December 23, 2014 (M-5645) denying plaintiff-appellant leave to prosecute, as a poor person, the appeal taken from the order of Supreme Court, New York County, entered on or about July 8, 2014, and denying leave to have the appeal heard on the original record and upon an oversized and handwritten appellant's brief, and for related relief,

And plaintiff-appellant having renewed his motion for the same 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 to perfect the aforesaid appeal to the October 2015 Term. So much of the motion which seeks poor person relief and leave to file an oversized handwritten brief 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 April 23, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Citizens Defending Libraries,
et al.,
Plaintiffs-Appellants,

-against-

M-1165
Index No. 652427/13

Dr. Anthony W. Marx, et al.,
Defendants-Respondents,

-and-

State of New York, et al.,
Nominal Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeals from an order of the Supreme Court, New York County, entered on or about June 3, 2014, and from a judgment of the same Court and Justice entered on or about July 10, 2014, respectively,

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 to perfect the appeals to the October 2015 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 April 23, 2015.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Kenneth Levin and Aviva Levin,
Plaintiffs-Respondents,

-against-

M-1320
Index No. 108182/11

Mercedes-Benz Manhattan, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2014,

And plaintiffs-respondents having moved to strike defendant's reply brief in its entirety or in the alternative to strike footnote number 1 and for costs and sanctions,

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 footnote number 1 in defendant's reply brief as stricken, and otherwise denied without prejudice to arguments regarding the issue of costs and sanctions directly on the appeal, if so advised.

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 April 23, 2015.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Judith J. Gische, Justices.

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

Theresa M., M-3152A
Petitioner-Respondent, Docket Nos. V-10735/14L
V-8941-11/14L
-against-

Antoine A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 9, 2014, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, 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;¹ **within 30 days**

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

(FCS 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered October 14, 2014 (M-3152) is hereby recalled and vacated.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 23, 2015.

Present - Hon. Karla Moskowitz, Justice Presiding,
Leland G. DeGrasse
Darcel D. Clark
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3224A

Ind. Nos. 5448/12

1733/12

Derrick Hughes,

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 February 14, 2014, 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 deemed withdrawn, said relief having been granted by the order of this Court entered November 29, 2012 (M-5066). The order of this Court (M-3224), entered August 7, 2014, is recalled and vacated.

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

-against-

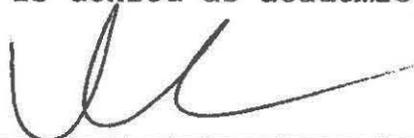
Gerald Douglas,

Defendant.
-----X

M-355
Ind. No. 3240/96

CERTIFICATE
DENYING LEAVE

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named petitioner for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 10, 2014, is hereby denied. So much of the motion which seeks poor person relief is denied as academic.



Peter Tom
Associate Justice

Dated: New York, New York
March 30, 2015

ENTERED: **APR 23 2015**

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-498
Ind. No. 44714C/05

-against-

Kwame Hoden,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 19, 2014 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: March 30, 2015
New York, New York

ENTERED

APR 23 2015

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-396
Ind. No. 662/04

-against-

CERTIFICATE
DENYING LEAVE

Von Wynn,

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, New York County (Bonnie G. Wittner, J.), entered on or about November 6, 2014, is hereby denied.


Justice

Dated: New York, New York
March 30, 2015

ENTERED

APR 23 2015

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-426
Ind. No. 1065/11

-against-

CERTIFICATE
DENYING LEAVE

Steven Midgette,

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, New York County (Robert M. Mandelbaum, J.), entered on or about October 27, 2014, is hereby denied.


Justice

Dated: New York, New York
April 7, 2015

ENTERED

APR 23 2015

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

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

-----x

The People of the State of New York,

M - 1063
Ind. No. 6117/02

-against-

James Pettus,

ORDER DENYING LEAVE
UPON REARGUMENT

Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the order of a Justice of this Court (M-6023), entered on January 22, 2015, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about August 8, 2014, is hereby denied.



Justice of the Appellate Division
Hon. Dianne T. Renwick

Dated: *April 7*, 2015
New York, New York

ENTERED: **APR 23 2015**

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

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

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

M-6392
Ind. No. 2584/2000

-against-

CERTIFICATE
DENYING LEAVE

Oscar Miller,
Defendant.

-----X

I, Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 15, 2014 is hereby denied.



Associate Justice

Dated: , 2015
New York, New York

ENTERED: APR 23 2015

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

BEFORE: David B. Saxe
Justice of the Appellate Division

-----X

The People of the State of New York,

Respondent,

M-867
NY Co. Ind # 1554/10

CERTIFICATE
GRANTING LEAVE

-against-

Daviel McCummings,

Defendant-Appellant,

-----X

I, David B. Saxe, Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein¹ questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is ORDERED, that permission be, and it hereby is granted to the above-named respondent to appeal to the Court of Appeals.

Dated: New York, New York
March 26, 2015

ENTERED

APR 23 2015


Justice of the Appellate Division

Notice: Within 10 days from the issuance of this certificate, a jurisdictional statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.2 of the Court of Appeals rules.

¹Description of Judgment:

12/20/2010

Sup. Ct. New York Co.

Affd. 1/22/2015

App. Div. 1st Dept.

Appeal No. 13432

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

BEFORE: Hon. Sallie Manzaent-Daniels, J.
Associate Justice of the Appellate Division

-----X
In the Matter of the Application of

New York City Coalition for
Accountability Now, Inc., Valerie
Lucznikowska, and Donal Butterfield,

Petitioners,

-against-

M-4280
Index No. 100814/14

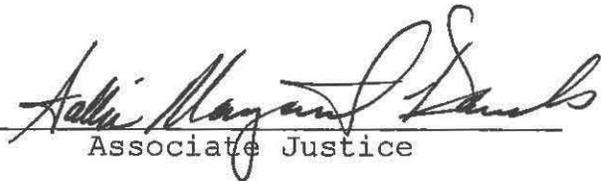
Michael McSweeney, City Clerk of the
City of New York,

Respondent.
-----X

Respondent having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about August 18, 2014,

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

It is ordered that the motion is denied.


Associate Justice

Dated: March 25, 2015
New York, New York

Entered: **APR 23 2015**

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-425
Ind. No. 4099-1999

-against-

CERTIFICATE
DENYING LEAVE

Elbert Mitchell,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, dated November 13, 2014, is hereby denied.

Dated: March 31, 2015
New York, New York



Hon. Barbara R. Kapnick
Associate Justice

ENTERED

APR 23 2015