

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Angela M. Mazzarelli
Troy K. Webber, Justices.

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

Respondent,

-against-

M-5690

Ind. No. 1118/17

Fernando Rios,

Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2018, and for leave to prosecute the appeal as a poor person, 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 deeming the motion 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
In re Randy Peyton, etc.,
Petitioner-Appellant,

Hillel Hoffman, et al.,
Intervenors-Petitioners-Appellants,

-against-

M-6358
M-6283
M-6292

New York City Board of Standards and Appeals, et al., Index No. 161972/15
Respondents-Respondents,

Margery Perlmutter, etc., et al.,
Respondents.

- - - - -

Landmark West,
Amicus Curiae.

-----X

Respondent-respondent PWV Acquisition, L.L.C. having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 16, 2018 (Appeal No. 5193) [M-6358],

And respondents Jewish Home Lifecare, Inc., and the New York City Board of Standards and Appeals having moved by separate motions for leave to appeal to the Court of Appeals, from the decision and order of this Court, [M-6283/M-6292],

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 (M-6358), insofar as it seeks reargument, is denied, and,

It is further ordered that the motions [M-6358/M-6283/M-6292] for leave to appeal to the Court of Appeals, are granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of the Supreme Court, New York County, properly made?"

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Darwin Deason,
Plaintiff-Respondent,

-against-

Fujifilm Holdings Corp.,
Defendant-Appellant,

Xerox Corp., et al.,
Defendants.

- - - - -

In re Xerox Corporation Consolidated
Shareholder Litigation

M-5871
Index Nos. 650675/18
650766/18

Asbestos Workers Philadelphia Pension Fund,
etc., et al.,
Plaintiffs-Respondents,

-against-

Fujifilm Holdings Corp.,
Defendant-Appellant.

Xerox Corp., et al.,
Defendants.

-----X

Plaintiffs-respondents Asbestos Workers Philadelphia Pension Fund, etc., et al., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 16, 2018 (Appeal Nos. 7341, 7342, 7343, 7444),

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.

ENTERED:

CLERK
Suzanne R.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

M-5616

Ind. No. 4005/11

Daniel Everett,

Defendant-Appellant.
-----X

Defendant having moved for an order directing respondent to turn over the minutes of the grand jury testimony of Elizabeth Watts, as produced to the defense in open court on March 15, 2012, and for an enlargement of time to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 14, 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 to the extent of directing respondent to immediately provide appellant's counsel with a copy of the aforementioned grand jury testimony of witness Elizabeth Watts, and enlarging the time to perfect said appeal to the June 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

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

-against-

M-5943

Ind. No. 2069/15

Joseph Cannon,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 1, 2018, 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 deeming the moving papers a timely filed notice of appeal. That branch of the motion seeking poor person relief is denied, with leave to renew, upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a) and 22 NYCRR 1250.4(d)(1) and (4), setting forth defendant's indigency, including details regarding real property and bank accounts owned by defendant.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Troy K. Webber
Jeffrey K. Oing, Justices.

-----X
Rosemarie A. Herman, etc., et al.,
Plaintiffs-Appellants,

-against-

36 Gramercy Park Realty Associates, LLC,
et al.,
Defendants-Respondents,

M-5621

M-5622

M-5623

M-5624

Action 1

Index No. 652700/12

ABC Company #1, etc., et al.,
Defendants.

- - - - -

36 Gramercy Park Realty Associates, LLC,
et al.,
Plaintiffs-Respondents,

Action 2

Index No. 654067/12

-against-

Rosemarie A. Herman, etc.,
Defendant-Appellant.

-----X

Plaintiffs-appellants (**Action 1**) and defendant-appellant (**Action 2**) having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 2, 2018 (Appeal No. 7182-82A),

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 in all respects.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

- - - - -
William W.,
Petitioner-Appellant,

CONFIDENTIAL
M-5823
Docket No. V-13020-18

-against-

Yaunning W.,
Respondent-Respondent.

- - - - -
Janet E. Sabel, Esq., The Legal Aid
Society, Attorney for the Child.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about September 20, 2018, 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 the certification of William Wight Booth, Jr., Esq., dated October 17, 2018, 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, Larry S. Bachner, Esq., P.C., c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York, 10006, Telephone No. 917-674-9516, 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 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 Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 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.**

ENTERED:


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 February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Kai J. L.,

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

CONFIDENTIAL
M-5884
Docket No. NN-17331-17

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

Kriston L.,
Respondent-Appellant.

- - - - -
Larry S. Bachner, Esq.,
Attorney for the Child.

-----X

Katherine Tracey, Esq., court attorney for the subject child, Kai J. L., having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from two orders of the Family Court, Bronx County, entered on or about July 31, 2018, 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 the certification of Katherine Tracy, Esq., dated August 9, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Larry S. Bachner, Esq., P.C. c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York, 10006, Telephone No. 917-674-9516, as counsel for purposes of responding to the appeal; (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 each party to the appeal,

(M-5884)

-2-

February 21, 2019

and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9 (See M-431, dated February 21, 2019, released simultaneously herewith).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

CONFIDENTIAL

M-431

Krystal R.,
Petitioner-Respondent,

Docket No. O-14455-17

-against-

Kriston L.,
Respondent-Appellant.

Larry S. Bachner, Esq.,
Attorney for the Child.

-----X

Katherine Tracey, Esq., court attorney for the subject child, Kai J. L., having moved on said child's behalf, for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about July 31, 2018, 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 the certification of Katherine Tracy, Esq., dated August 9, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Larry S. Bachner, Esq., P.C. c/o Bachner & Associates, P.C., 39 Broadway, Suite 1610, New York, New York, 10006, Telephone No. 917-674-9516, as counsel for purposes of responding to the appeal; (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 each party to the appeal,

(M-431)

-2-

February 21, 2019

and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. (See M-5884, dated February 21, 2019, released simultaneously herewith).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

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

Catherine L.,
Petitioner-Appellant,

CONFIDENTIAL

M-5888

Docket Nos. V-14178-11/17D

-against-

V-14178-11/17F

Jeffrey S.,
Respondent-Respondent.

Amanda Slater, Esq., Lawyers for Children, Attorney for the Child.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about July 26, 2018, 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 the certification of Wendy I. Luger, Esq., dated October 31, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Salihah R. Denman, Esq., 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-215-7221, as counsel for purposes of responding to the appeal; (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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

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

Adama D.,
Petitioner-Appellant,

-against-

Mariam D.,
Respondent-Respondent.

Andrew J. Baer, Esq.,
Attorney for the Children.

-----X

CONFIDENTIAL

M-6162

Docket Nos. V-43468-13/17D
V-43469-13/17D
V-43470-13/17D
V-43471-13/17D

Respondent-respondent mother, Mariam D., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about May 15, 2018, 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 the certification of Jo Ann Douglas, Esq., dated December 4, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal; (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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x

In the Matter of Commitment of the Guardianship and Custody of

Navaeh W.

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

CONFIDENTIAL

M-6164

Docket Nos. B-16280/14
V-1390/16

- - - - -
Heartshare St. Vincent's Services and Commissioner of Social Services of the City of New York,
Petitioners-Respondents,

Richard W.,
Respondent-Appellant.

- - - - -
Carole Levy, Esq.,
Attorney for the Child.

-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from two orders the Family Court, Bronx County, entered on or about August 6, 2018 and on or about October 17, 2018, 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 the certification of Lisa M. Licata, Esq., dated November 23, 2018, 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, Salihah R. Denman, 600 Mamaroneck Avenue, Suite 400, Harrison, New York, 10528, Telephone No. 914-

215-7221, 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 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 Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 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.**

ENTERED:


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 February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
In the Matter of

Lucia Kezia S.

A Child Subject of an Adoption
Surrender Proceeding Pursuant to
Section 1113 of the Family Court Act.

CONFIDENTIAL
M-6281
Docket Nos. AS-24660-17
AS-24667-17

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

Diane A.,
Respondent-Appellant.

- - - - -
Janet E. Sabel, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Subject Child,
-----x

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about October 4, 2018, 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 the certification of Jennifer Feinberg, Esq., dated November 1, 2018, 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, Thomas R. Villecco, Esq., 366

N. Broadway, Suite 410, Jericho, New York, 11753 Telephone No. 516-942-4221, 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 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 Section 1250.9 of the Practice Rules of the Appellate Division, **within 180 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.**

ENTERED:



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 February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5979

Ind. No. 3639/16

David Scott,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5985

Ind. No. 266/15

Thomas Person,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 7, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5988

Ind. No. 3809/15

Sidney Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5989

Ind. Nos. 1586/17

Akinola Ibiayo,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 17, 2018, and 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

Confidential
M-5991

-against-

Ind. No. 608/17

Larry Martorell,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Charles Osbourne,

Defendant-Appellant.
-----X

M-6057

Ind. Nos. 6415/05
1420/02

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 29, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-6328

-against-

Ind. No. 1974/16

Matthew Pierre,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about July 16, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 16, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

M-6337

-against-

Ind. No. 1338/16

Alexis Irizarry,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 8, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6480
Ind. Nos. 3600/17
4893/17

David Garcia,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about September 12, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, New York County, rendered on or about September 7, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Janet E. Sabel, Esq., The 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 180 days from the date of receipt of the complete record.

ENTERED:

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 February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

SEALED

M-6484

-against-

Ind. No. 3735/16

Marywal G.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 14, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about August 14, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Janet E. Sabel, Esq., The 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 180 days from the date of receipt of the complete record.

ENTERED:

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 February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosaly H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6490
Ind. No. 284/18

Nathaniel Geebro,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 21, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about August 21, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Janet E. Sabel, The 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 180 days from the date of receipt of the complete record.

ENTERED:

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 February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6491
Ind. No. 2198/17

Jorge Colon,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about August 23, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment, of the Supreme Court, Bronx County, rendered on or about August 23, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies, and if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate division.

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.

Janet E. Sabel, Esq., The 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 180 days from the date of receipt of the complete record.

ENTERED:

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 February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6086

Ind. No. 1592/17

Dennis Jennings,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Bryan Pope, Jr., an infant by his
parent and natural guardian,
Bryan Pope, and Bryan Pope,
individually,
Plaintiffs-Appellants,

-against-

M-6258
Index No. 310509/10

American United Transportation II
Inc., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 4, 2014, 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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
Jerry Ohlinger's Movie Material Store,
Inc. and Jerry Ohlinger,
Plaintiffs-Respondents,

-against-

M-6408
Index No. 651581/16

Legend Movie Posters Corp., Legend Movie
Posters Enterprise Corp., Sean Chatoff,
also known as David Chatoff and XingLing
Hu, also known as Celine Hu,
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 10, 2018,

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Sallie Manzanet-Daniels
Judith J. Gische
Barbara R. Kapnick, Justices.

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

-against- **M-6436**
Ind. No. 4853/15

Milton Headley,
Defendant-Appellant.
-----X

An order of this Court having been entered on December 11, 2018 (M-5348), granting defendant leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100 as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 180 days from the date of this order or the receipt of the complete record, whichever is later.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Angela M. Mazzarelli
Troy K. Webber
Jeffrey K. Oing, Justices.

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

-against-

M-5439

Ind. No. 3560/15

Saul Olavarria,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 23, 2018 (M-4034), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 1, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523 as counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include a judgment of resentence, from the same court, rendered on or about February 21, 2018, and to extend the assignment of counsel to cover same.

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 amending the Court's order of assignment entered on October 23, 2018 (M-4084) to include the judgment of re-sentence rendered on or about February 21, 2018, and extending the poor person relief and the assignment of counsel to cover same.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
Sanjay Sehgal, et al.,
Plaintiffs-Appellants,

-against-

M-5668
Index No. 155018/16

Michael DiRaimondo, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on October 4, 2018 (Appeal No. 7228),

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Adelson Galleries Inc.,
Plaintiff-Appellant,

-against-

M-6581
Index No. 651610/18

730 Fifth Upper LLC,
Defendant-Respondent.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about December 7, 2018 and December 12, 2018,

And plaintiff-appellant having moved, pursuant to CPLR 5518 and/or CPLR 5519, for an order staying or enjoining defendant-respondent, pending hearing and determination of the aforesaid appeal, from terminating and/or interfering with plaintiff's tenancy at 730 Fifth Avenue, portion of the seventh floor, New York, New York, and from commencing or continuing to prosecute any action to recover possession of the premises, 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 enjoining defendant from terminating the lease and from prosecuting any action to recover possession of the premises pending the hearing and determination of the appeal, on condition that the appeal is perfected for the June 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-5645

Ind. No. 2650/17

Alejandro Chavez,

Defendant-Appellant.
-----X

Defendant having moved for leave to file a late notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 18, 2018,

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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Jeffrey K. Oing
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

Yahaira Dejesus,

Defendant-Appellant.
-----X

M-5695
Ind. No. 2909/17
715/18

Defendant having moved to deem a notice of appeal timely filed from a judgment of the Supreme Court, New York County, rendered on or about May 2, 2018,

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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. David Friedman, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Oludamilare Aina,

Plaintiff-Appellant,

-against-

M-3788

Index No. 157096/15

American University of Antigua,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 10, 2018 (Appeal No. 6533),

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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
David Lance New York, Inc.,
Plaintiff-Appellant,

-against-

Scott Skoller, Adrian Jules, Ltd., M-128
SS Bespoke Inc. and Patricia Espinoza, Index No. 652892/17
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 20, 2018, and said appeal having been perfected,

And plaintiff-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Ellen Gesmer
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5947

Ind. No. 3648/17

Jose A. Genao,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 28, 2017, and for leave to prosecute said appeal as a poor person, and 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 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Marcy L. Kahn
Cynthia S. Kern, Justices.

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

-against-

M-508
Ind. No. 486/18

Patrick Williams,
Defendant-Respondent.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about August 7, 2018, and said appeal having been perfected,

And defendant-respondent having moved for an order unsealing and providing to appellate counsel the grand jury minutes and relevant video exhibits described in the moving papers and referenced in appellant's brief, with respect to the appeal,

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

It is ordered that the motion is granted to the extent of unsealing, and providing to appellate counsel the grand jury minutes and video exhibits described in the moving papers and referenced in appellant's brief. Sua Sponte the appeal is adjourned to the June 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

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

Respondent,

-against-

Arsenio Ortiz,

Defendant-Appellant.
-----X

M-5738
Ind. No. 1326/17
269/16

Defendant having moved to deem the moving papers a timely filed notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 15, 2018,

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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Humberto Rivera,
Plaintiff-Respondent,

-against-

M-5830

Index No. 300823/12

11 West 42 Realty Investors, L.L.C.
and Tishman Speyer Properties, L.P.,
Defendants-Appellants,

American Construction, Inc., NTT
Services, LLC, Pritchard Industries,
Inc.,
Defendants-Respondents.

-----x

11 West 42 Realty Investors, L.L.C..
Third-Party Plaintiff-Appellant,

Index No. 83839/13

-against-

American Construction, Inc.,
Third-Party Defendant-Respondent.

-----x

11 West 42 Realty Investors, L.L.C..
Third-Party Plaintiff-Appellant,

Index No. 83959/13

-against-

NTT Services, LLC and Pritchard
Industries, Inc.,
Third-Party Defendants-Respondents.

-----x

An appeal having been taken to this Court by defendants 11 West 42 Realty Investors, L.L.C. and Tishman Speyer Properties, L.P. from the order of the Supreme Court, Bronx County, entered on or about January 19, 2018,

And defendants-appellants having moved for an enlargement of time to perfect their 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 deemed one seeking to vacate the dismissal of the appeal (22 NYCRR 1250[c]) and, as such, is granted, and the time to perfect the appeal is enlarged to the June 2019 Term, with no further enlargements to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer
Cynthia S. Kern, Justices.

-----x

Humberto Rivera,
Plaintiff-Respondent,

-against-

M-6341
Index No. 300823/12

11 West 42 Realty Investors, L.L.C.
Tishman Speyer Properties, L.P.,
Americon Construction, Inc.,
Defendants-Respondents,

NTT Services, LLC. and Pritchard Industries,
Inc.,
Defendants-Appellants,

- - - - -

[And Third-Party Actions]

-----x

An appeal having been taken to this Court by defendants NTT Services and Pritchard Industries Inc. from the order of the Supreme Court, Bronx County, entered on or about January 19, 2018,

And defendants NTT Services and Pritchard Industries Inc. having moved for an enlargement of time to perfect their 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 deemed one seeking to vacate the dismissal of the appeal (22 NYCRR 1250[c]) and, as such, is granted, and the time to perfect the appeal is enlarged to the June 2019 Term, with no further enlargements to be granted.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Sallie Manzanet-Daniels
Troy K. Webber
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

Judith Kingman, et al.,
Plaintiffs-Respondents,

-against-

Zmoore Ltd., doing business as Commerce
Restaurant, et al.,
Defendants-Appellants,

M-220
Index No. 652564/16

-and-

Harold Moore,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 20, 2018,

And Schlam Stone & Dolan LLP having moved to withdraw as counsel for defendants-appellants with respect to the aforesaid appeal, for a stay of proceedings and for an enlargement of time to perfect the 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 by Schlam Stone & Dolan LLP to withdraw as counsel for defendants-appellants is granted, and it is further

Ordered that all proceedings in this action are stayed for 30 days from the date of entry hereof. The time to perfect the appeal is enlarged to the September 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Angela M. Mazzarelli
Marcy L. Kahn, Justices.

-----X
Mariana Dimitrova Alekna, et al.,
Plaintiffs,

-against-

207-217 West 110 Portfolio Owner LLC,
Defendants-Respondents,

M-6052
Index No. 156847/16

-against-

207 Realty Associates, L.L.C.,
Mann Realty Associates,
Defendants-Appellants,

-against-

GFB Management LLC,
Defendant-Respondent.

-----X

Defendants-appellants having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about November 15, 2017,

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 June 2019 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 21, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Angela M. Mazzarelli
Troy K. Webber, Justices.

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

Respondent,

-against-

M-5607

Ind. No. 2168N/17

Mario A. Villarrosario,

Defendant-Appellant.

-----X

Defendant having moved for leave to file a late notice of appeal and for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 27, 2018, 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 deeming the motion 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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, 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 180 days from the date of receipt of the complete record.

ENTERED:



CLERK

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

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

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

M-6204
Ind. Nos. 2228/2016
1051/2017
(Corrected)
CERTIFICATE
DENYING LEAVE

- against -

Kimate Patton,

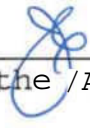
Defendant.

-----X

The People having moved, pursuant to 5701(c), for leave to appeal from an order of the Supreme Court, Bronx County entered on or about October 22, 2018, 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.



Justice of the Appellate Division

Dated: February 19, 2019
New York, New York

ENTERED:
FEB 21 2013