

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 March 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Anil C. Singh, Justices.

-----X
M.R. Gordon,
Plaintiff-Appellant,

-against-

M-6342
Index No. 153504/17

Marcote & Associates, P.C.,
Defendant-Respondent,
-----X

Defendant-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 5, 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 (see CPLR 5513(a)).

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 March 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-6416

Ind. No. 111/17

Tymeria S. Ellis,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 3, 2018,

And assigned counsel for defendant-appellant having moved for an order withdrawing the appeal as abandoned,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

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 March 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Anil C. Singh, Justices.

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

-against-

M-6539
Ind. No. 5031/14

Raynier Campana,
Defendant-Appellant.
-----X

An order of this Court having been entered on May 25, 2017 (M-1995) granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 13, 2015, under Indictment No. 5031/14, and assigning Rosemary Herbert, Esq., Office of the Appellate Defender, counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of **resentence** of said Court rendered on or about December 12, 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 amending the order of assignment to include the judgment of resentence rendered on or about December 12, 2018 and extending the poor person relief previously granted to cover same.

Christina Swarns, Esq., successor to Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect the appeal is enlarged until 120 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 March 19, 2019.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,
Marcy L. Kahn
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
The Lansco Corporation, et al.,
Plaintiffs-Defendants-Respondents,

-against-

AB Marbec Realty Corp.,
Defendant-Appellant.

M-6421
Index No. 655743/16

-----X

Defendant-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 November 8, 2018 (Appeal Nos. 7549-7550),

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 March 19, 2019.

Present - Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Ellen Gesmer
Anil C. Singh
Peter H. Moulton, Justices.

-----x
Wells Fargo Bank, National Association,
successor to Wachovia Financial
Services, Inc.,
Plaintiff-Respondent,

-against-

M-911
Index No. 651415/16

Andalex Aviation II, LLC and Allen
Silverman,
Defendants,

Eleonora Silverman,
Non-Party Appellant.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 13, 2018, and said appeal having been perfected,

And non-party appellant having moved to stay the Supreme Court's order denying a protective order and requiring non-party appellant to appear for a deposition,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated January 25, 2019, is vacated.

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 March 19, 2019.

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

-----X
Partners VII/98 Avenue A Owner LLC,
Plaintiff-Respondent,

-against-

M-6412

Index No. 651073/17

Board of Managers of 132 East 7th Street
Condominium and 132 East 7th Street
Condominium Association,
Defendants-Appellants,

Kensington Vanguard Holdings, LLC.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 13, 2017,

Now, upon reading and filing the correspondence from counsel for defendants-appellants hereto, dated December 3, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondents.

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 March 19, 2019.

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

-----X
Darryl Paul and Sharma Paul,
Plaintiffs-Respondents,

-against-

M-6571

Index No. 156183/12

Judlau Contracting, Inc., New York City
Transit Authority and the City of
New York,
Defendants-Appellants,

Metropolitan Transportation Authority,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 10, 2018,

Now, upon reading and filing the correspondence from counsel for defendants-appellants hereto, dated December 14, 2018, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

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 March 19, 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

Kobe N. and
Juan Carlos N.,

Children Under 18 years of Age
Alleged to be Neglected Under
Article 10 of the Family Court Act.

CONFIDENTIAL

M-418
Docket Nos. NN-27161-2/14

Administration for Children's Services,
Petitioner-Respondent,

Juan Carlos N.,
Respondent-Appellant,

Victoria S.,
Non-Respondent-Respondent.

-----X
Deborah Gould, Esq., Children's Law
Center,
Attorney for the Children.

-----X

Non-respondent-respondent mother, Victoria S., having moved for leave to respond, as a poor person, to the appeal taken from the orders of the Family Court, Bronx County, entered on or about May 21, 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 Jessica Purcell, Esq. dated December 12, 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, Lewis S. Calderon, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-883-1560, 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 March 19, 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 Support Under Article 4 of the
Family Court Act.

- - - - -
Eve Susan P.,
Petitioner-Respondent,

CONFIDENTIAL
M-754
Docket No. F-44629-16/17B

-against-

Steven Neil S.,
Respondent-Appellant.

-----x

Respondent-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 December 13, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief, and the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Adam Joseph Brown, Esq., dated January 6, 2019, 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 No. 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 60 days** of the filing 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 March 19, 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-43
Ind. Nos. 3524/14
147/15

Elvis Sanchez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 17, 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 March 19, 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-108
Ind. No. 2802/16

William Glen, also known as,
William Glenn,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about October 5, 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 October 4, 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 March 19, 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-

SEALED

M-159

Ind. No. 2561/16

Jake H.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 1, 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 September 6, 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.

(M-159)

-2-

March 19, 2019

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 March 19, 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-162

-against-

Ind. No. 2544/17

Tyreek M.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about October 1, 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 October 1, 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.

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:


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 March 19, 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-163
Ind. No. 1777/17

Gil Maldonado,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 27, 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 September 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.

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:


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 March 19, 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-185

-against-

Ind. No. 1484/17

Owayne Wilson,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about August 17, 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 August 17, 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.

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:


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 March 19, 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-186
Ind. No. 1425/18

Debra Oliver,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about August 22, 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 August 20, 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.

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:


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 March 19, 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-196
Ind. No. 4814/16

Rafael Rosario,
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 August 30, 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 March 19, 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-209
Ind. No. 1421/16

Isaiah Johnson,
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 October 5, 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.

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:


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 March 19, 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-213
Ind. No. 766/17

Alexander Pugmire,
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 September 28, 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 March 19, 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-6773

Ind. No. 3750/15

Howard Kearse,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about October 24, 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 October 19, 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 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 19, 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-6786
Ind. No. 720/17

Anthony Myrie,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 24, 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 September 24, 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". The signature is written in a cursive style with a large initial "S".

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 March 19, 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-6777

Ind. No. 1596/17

Jahloni Groome,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx 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, Bronx County, rendered on or about September 12, 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 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 19, 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-6778
Ind. No. 1347/17

Joseph Gary,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx 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 the judgment of the Supreme Court, Bronx County, rendered on or about September 12, 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 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 March 19, 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-6779
Ind. No. 1331/17

Samy Ayala, also known as Sammy Ayala,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 5, 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 September 4, 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.

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:


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 March 19, 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-

SEALED

M-6782

SCI No. 2144/17

Amari D.-B.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 11, 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 September 11, 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.

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:


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 March 19, 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-6784
Ind. No. 2816/17

Luckey Holmes,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 10, 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 September 10, 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.

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:


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 March 19, 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-6787
Ind. No. 725/17

Michael Key,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 11, 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 September 11, 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.

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:


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 March 19, 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-6788

-against-

Ind. No. 1424/18

Kacee L., Jr.,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 6, 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 September 6, 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.

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:


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 March 19, 2019.

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

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

-against-

M-160
Ind. No. 2772/15

Wanda Palmer,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about September 18, 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 September 18, 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.

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:


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 March 19, 2019.

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

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

Respondent,

Confidential
M-6754

-against-

Ind. No. 872/13

Luis Bonilla,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Fabrizio, J.), entered on or about November 30, 2018, 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 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 Clerk of the Supreme Court shall expeditiously make 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 Fabrizio as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Janet E. Sabel, Esq., the Legal Aid Society without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-6754)

-2-

March 19, 2019

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 March 19, 2019.

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

-----X
Alexa Varela, Administrator of the Estate
of Alfred Mario Reitano, and Sofia Patricia
Reitano by Alexa Varela, her Mother and
Natural Guardian of Property of
Sofia Patricia Reitano,
Plaintiffs-Appellants,

M-6406
M-6407

Index No. 22513/12E

-against-

Brynn Rohlf
Defendant-Respondent,

Vincent Zanfardino,
Defendant-Appellant.

-----X

Appeals having been taken by plaintiffs-appellants and defendant-appellant from an order of the Supreme Court, Bronx County, entered on or about March 12, 2018,

Now, upon reading and filing the correspondence from the counsel for plaintiffs-appellants, dated November 30, 2018, and from the counsel for defendant-appellant, dated December 5, 2018, and due deliberation having been had thereon,

It is ordered that the appeals of plaintiffs-appellants and defendant-appellant from the order of the Supreme Court, Bronx County, entered on or about March 12, 2018, are deemed withdrawn in accordance with the aforesaid correspondence.

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 March 19, 2019.

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

-----x

Mackenzie-Childs of New York, LLC,
Plaintiff-Respondent,

-against-

20 West 57th Street Realty LLC,
Defendant-Appellant.

M-5980
M-6419
Index No. 650014/18

-----x

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 14, 2018,

And plaintiff-respondent having moved to dismiss the appeal, as moot (M-5980),

And defendant-appellant having cross-moved for an enlargement of time to perfect the appeal, (M-6419),

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 plaintiff-respondent's motion to dismiss the appeal (M-5980) is denied, without prejudice to plaintiff-respondent addressing the issue of whether the appeal has been rendered moot in its respondents' brief, and

It is further ordered that the cross motion (M-6419), deemed one seeking to vacate the dismissal of the appeal pursuant to 22 NYCRR 1250.10(a), is granted, and 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 March 19, 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-6116
Ind. Nos. 291/18
Jesus Ramirez, 1125N/17
Defendant-Appellant. SCI No. 1895N/17

-----X

Defendant having moved for an enlargement of time in which to file a late notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 20, 2018, under Indictment No. 291/18, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief, under Indictment Nos. 291/18, 1125N/17 and SCI No. 1895N/17,

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 as a timely filed notice of appeal for the judgment under Indictment No. 291/18 and permitting the appeal, under all three Indictment Nos. 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:


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 March 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
John W. Sweeny, Jr.
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Denise Kingue Bonnaig, Esq., doing
business as Denise K. Bonnaig &
Associates,
Plaintiff-Appellant-Respondent,

-against-

M-6703
Index No. 110429/11

Dr. Hillary C. Walton,
Defendant,

-and-

BrainPop U, a Division of Anina
Management Ltd., and BrainPop.Com,
LLC,
Defendants-Respondents-Appellants.

-----x
An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 10, 2015, and said appeal and cross appeal having been perfected, then stayed and removed from this Court's March 2017 calendar based on the death of defendant Dr. Hillary C. Walton,

And an order of this Court having been entered on February 21, 2017 (M-6146/M-97), inter alia, denying plaintiff-appellant-respondent's motion to lift the stay of the appeal and cross appeal, and granting defendant-respondent-appellants' cross motion to dismiss to the extent of continuing the stay, without prejudice to the parties seeking additional relief in the Supreme Court pertaining to the death of Dr. Walton,

And an order of the Supreme Court, New York County having been entered on or about November 27, 2018, which (1) severed plaintiff's third cause of action against defendant-respondents BrainPop U, a division of Anina Management Ltd. and Brainpop.com, and (2) ordered that the first and second causes of action against Dr. Walton are to remain stayed until such time as an appropriate representative is appointed to the estate, and defendants-respondents having taken an appeal therefrom,

And plaintiff-appellant-respondent having moved to lift the stay of the appeal and cross appeal from the order entered March 16, 2015, to restore the appeal and cross appeal to this Court's calendar, and to reschedule oral argument,

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 that the appeal and cross appeal from the order entered on or about March 10, 2015 order are restored and the Clerk is directed to calendar same for the October 2019 Term. Sua sponte, defendants-respondents-appellants, BrainPop U, a division of Anina Management Ltd. and Brainpop.com, are directed to perfect their appeal from the order entered on or about November 27, 2018 for the October 2019 Term. If so perfected, the Clerk is directed to calendar that appeal with the appeal and cross appeal from the order entered on or about March 10, 2015 for hearing together in said October 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 March 19, 2019.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

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

Respondent,

-against-

Sabriel Lamberty,

Defendant-Appellant.
-----X

M-5673A
Ind. No. 6252/17

An order of this Court having been entered on January 29, 2019 (M-5673), appointing Robert S. Dean, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 6, 2018 under Indictment No. 6252/17,

Now, upon the Court's own motion,

It is ordered that the aforesaid order of this Court is hereby recalled and vacated.

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 March 19, 2019.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Peter Tom
Peter H. Moulton, Justices.

-----X
Makhpal K.,

Plaintiff-Appellant,

-against-

Aidan K.,

Defendant-Respondent.
-----X

CONFIDENTIAL

M-340

Index No. 309346/17

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 8, 2019,

And Tara Diamond, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond to the aforesaid appeal as a poor person, 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 § 262 of the Family Court Act, Steven P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. 718-791-8444, 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 March 19, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Cesar Bernacet,
Petitioner-Appellant,

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

-against-

M-6763
Index No. 250781/16

Joseph Ponte, Commissioner of the
New York City Department of
Correction,

Respondent-Respondent.
-----X

Petitioner-appellant having moved pursuant to 22 NYCRR 1250.10(c) to vacate the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about February 14, 2018, and upon vacatur, 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 is granted to the extent of vacating the dismissal of the appeal and enlarging the time to perfect same 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 March 19, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Peter Tom
Angela M. Mazzarelli, Justices.

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

-against-

Robert Best,
Defendant-Appellant.

M-6189
Ind. No. 4816/09
Docket No. 2017NY060511

-----X

Defendant, pro se, 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 October 14, 2009, under Indictment No. 4816/09, and from a judgment of the Criminal Court, New York County, rendered on or about July 9, 2018, convicting him of two misdemeanors and one violation under Docket No. 2017NY060511, and for poor person relief and 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 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 March 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Angela M. Mazzarelli
Anil C. Singh, Justices.

-----x

Benedicta Brito,
Plaintiff-Respondent,

-against-

M-6700

Index No. 306267/14

Rafael Gomez and Don Thomas Buses, Inc.,
Defendants-Appellants.

-----x

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on November 27, 2018 (Appeal No. 7026N),

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 to the extent it seeks reargument is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is 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 the Supreme Court, as affirmed by this Court, properly made?

(M-6700)

-2-

March 19, 2019

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 March 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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

Bronwyn Ryan,
Petitioner-Appellant,

M-1046
Index No. 159677/16

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

-against-

New York City Department of Housing
Preservation and Development and Vicki
Been, as Commissioner of the New York
City Department of Housing Preservation
and Development, and East Midtown Plaza
Housing Company, Inc.,
Respondents-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 June 16, 2017,

And respondent East Midtown Plaza Housing Company, Inc. having moved to dismiss the aforesaid proceeding for failure to timely prosecute,

Now, upon reading and filing the correspondence from counsel for respondent-respondent, East Midtown Plaza Housing Company, Inc., dated February 28, 2019, and due deliberation having been had thereon,

(M-1046)

-2-

March 19, 2019

It is ordered that the motion to dismiss the proceeding is withdrawn in accordance with the aforesaid correspondence.

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 March 19, 2019.

Present - Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern
Jeffrey K. Oing, Justices.

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

Respondent,

-against-

M-6750

Ind. No. 5584/12

Anthony Rodriguez,

Defendant-Appellant.
-----X

Defendant-appellant, by retained counsel, having moved for an enlargement of time to perfect the appeal taken from a judgment of the Supreme Court, New York County, rendered on July 22, 2014, and from a judgment of resentence of the same court, rendered on or about August 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 enlarging the time to perfect the appeal 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 March 19, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Angela M. Mazzarelli
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
In re Natalie A.,

Petitioner-Appellant,

-against-

Chadwick P.,
Respondent-Respondent.

-----X

CONFIDENTIAL

M-6661

Docket Nos. V-21626/17

O-21622/17

Respondent-respondent having moved for reargument of the decision and order of this Court, entered on November 27, 2018 (Appeal No. 7692),

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 March 19, 2019.

PRESENT: Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
Wilmington Savings Fund Society, FSB,
As Trustee for Normandy Mortgage
Loan Trust, etc.,
Plaintiff-Respondent,

-against-

M-29
Index No. 109882/09

Sharay Hayes,
Defendant-Appellant,

New York City Environmental Control
Board, et al.,
Defendants.

-----X

Defendant-appellant, pro se, 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 December 6, 2018 (Appeal Nos. 7811-7812),

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 March 19, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Peter Tom
Barbara R. Kapnick
Jeffrey K. Oing, Justices.

-----x
Makhpal Karibzhanov,

Plaintiff-Appellant,

-against-

Aidan Karibzhanov,

Defendant-Respondent.
-----x

CONFIDENTIAL

M-200

Index No. 309346/17

Plaintiff-appellant having moved for a stay of dismissal of a divorce action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 8, 2019,

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 March 19, 2019.

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

-----X
Mushlam, Inc., M-139
Plaintiff-Respondent, M-520
-against- M-737
M-768

Maria Nazor and Peter Mickle, Index No. 100207/08
Defendants-Appellants.

-----X
In the Matter of the Application of
Maria Nazor and Peter Mickle, Index No. 159870/18

For a Determination pursuant to Article
78 of the Civil Practice Law and Rules,
Petitioners,

-against-

New York City Loft Board and
Sydney Sol Group, Ltd.,
Respondents.

-----X
Separate appeals having been taken by defendants-appellants
Maria Nazor and Peter Mickle from orders of the Supreme Court,
New York County, entered on or about February 23, 2018 and
October 18, 2018, under Index No. 100207/08 (the Ejectment
Action),

And an appeal having been taken by petitioners Maria Nazor
and Peter Mickle from an order of the Supreme Court, New York
County, entered on or about December 20, 2018 which transferred
the article 78 proceeding under Index No. 159870/18 to this Court
pursuant to CPLR 7804(g),

And defendants-appellants having moved for an enlargement of
time to perfect the appeal taken from the order of the Supreme
Court, New York County, entered on or about February 23, 2018 in
the Ejectment Action (M-139),

And defendants-appellants/petitioners having moved for an order (1) staying the enforcement of orders of the Supreme Court, New York County, entered on or about February 23, 2018 and October 18, 2018 in the Ejectment Action, and on or about December 20, 2018 in the article 78 proceeding, including staying plaintiff-respondent Mushlam, Inc., now known as respondent Sydney Sol Group, Ltd., from taking any action to evict them, pending the hearing and determination of the appeals (2) permitting defendants-appellants/petitioners to consolidate their appeals in Ejectment Action pursuant to 22 NYCRR 1250.9(f), and scheduling those appeals, and the petition and appeal in the article 78 proceeding, to be heard together, and (3) pursuant to 22 NYCRR 1250.9(a), directing respondent New York City Loft Board, by its counsel, to electronically file the administrative record in the article 78 proceeding no later than 30 days from the date of this order (M-520),

And respondent New York City Loft Board having cross moved for a limited remittitur to Supreme Court for the purpose of permitting it to submit an answer to the verified article 78 petition, so that it can file the administrative record relevant to the proceeding with Supreme Court (M-737),

And respondent Sydney Sol Group, Ltd. having cross moved for a limited remittitur to Supreme Court for the purpose of permitting it to submit an answer to the verified article 78 petition (M-768),

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 (M-139), deemed one to vacate the dismissal of the appeal taken from the February 23, 2018 order in the Ejectment Action pursuant to 22 NYCRR 1250.10(c), is granted, and the time to perfect the appeal is enlarged to the October 2019 Term,

And it is further ordered that appeals from the orders entered on or about February 23, 2018 and on or about October 18, 2018, in the Ejectment Action, shall be perfected together for the October 2019 Term on a single record and appellant's brief (see 22 NYCRR 1250.9[f][3]), and shall be heard together with the transferred article 78 proceeding, if perfected, on the same day of the aforesaid October 2018 Term (see 22 NYCRR 1250.9[f][4]),

And it is further ordered that the branch of the motion (M-520) seeking a stay of ejectment proceedings is granted on condition that defendant-appellants/petitioners perfect the consolidated appeals in the Ejectment Action, and the transferred article 78 proceeding, on or before August 5, 2019, for the October 2019 Term,

And it is further ordered that the motions (M-737, M-768) are granted to the extent of remitting the article 78 proceeding to Supreme Court for the limited purpose of allowing respondents, within 30 days of the date of this order, to file answers and to allow respondent New York City Loft Board to file the relevant administrative record. Upon completion of such filings, Supreme Court is directed to enter an amended order of transfer pursuant to CPLR 7804(g), unless said answers raise a question other than one of substantial evidence within the meaning of CPLR 7803(4).

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 March 19, 2019.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6666
Ind. No. 2328/16

Darryl McCoy,
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, Bronx County, rendered on or about July 12, 2018, 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 notice of appeal as 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 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 March 19, 2019.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Peter Tom
Marcy L. Kahn
Jeffrey K. Oing
Anil C. Singh, Justices.

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

-against-

Prince Bryan,
Defendant-Appellant.

M-6481
Ind. Nos. 2058/15
1378/16

-----X

An order of this Court having been entered on August 15, 2017 (M-3318), inter alia, granting defendant's motion 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 January 31, 2017, under Indictment No. 2058/15, and assigning counsel therefor,

And, defendant-appellant having moved for an order amending the aforementioned order of assignment to include an appeal taken from a judgment of the same court, also rendered on or about January 31, 2017, under Indictment No. 1378/16, and for an enlargement of time to perfect the 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 amending the order of assignment entered on August 15, 2017 (M-3318) to include the judgment of the Supreme Court, New York

(M-6481)

-2-

March 19, 2019

County, rendered on or about January 31, 2017, under Indictment No. 1378/16, and extending the previously granted poor person relief and assignment of counsel to cover same. The time to perfect the appeals 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 March 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Peter Tom
Marcy L. Kahn
Peter H. Moulton, Justices.

-----X

Jonathan Poole,
Plaintiff-Appellant,

M-6340

M-373

-against-

Ind. No. 101096/09

West 111th Street Rehab Associates,
et al.,
Defendants-Respondents,

Christine Torre sued herein as
Christine Latour,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 20, 2018, which denied plaintiff-appellant's motion to reargue his prior motion to disqualify defendants-respondents' counsel,

And defendants-respondents having moved to dismiss the appeal as taken from an unappealable order,

And plaintiff-appellant having cross moved to stay all proceedings pending determination of the instant appeal,

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 defendants-respondents' motion to dismiss the appeal (M-6340) is granted. Plaintiff-appellant's cross motion for a stay pending appeal (M-373) is denied as academic.

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 March 19, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

M-5649
Ind. No. 1367/16

Abdul Davis,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 20, 2018 (M-5499), granting defendant 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 16, 2018, and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel to prosecute the appeal; and a motion [M-5649] having been made by defendant, pro se, seeking the identical 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 [M-5649] is denied, as academic, the relief having been previously granted by this Court in the aforementioned order, dated December 20, 2018 (M-5499).

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 March 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

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

-against-

M-6386
Ind. No. 1017N/12

Juan Padilla-Santos,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 30, 2018, 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 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 facts sufficient to establish his indigency, including the amount and sources of funds used to retain trial counsel, and to post bail, the disposition of such funds, and why similar funds are not available for this 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 March 19, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Jeffrey K. Oing
Peter H. Moulton, Justices.

-----X
In the Matter of the Application of
David Torregrosa,
Petitioner,

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

M-21
Index No. 100264/17

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 18, 2018,

And respondent having moved to dismiss the aforesaid proceeding,

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

It is ordered that the motion is granted and the proceeding 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 March 19, 2019.

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

-----X
Syed Aftab Karim, etc.,
Plaintiff-Respondent,

-against-

M-5859
Index No. 100720/14

Ramanathan Raju, etc., et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent 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. 7348, 7349 & 7350),

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 March 19, 2019.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Peter Tom
Anil C. Singh
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-68
Ind. No. 601/16

Francisco F. Tejada,

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 3, 2017, poor person relief, and 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 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 March 19, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Peter Tom
Marcy L. Kahn
Anil C. Singh, Justices.

-----X
American Country Insurance Company,

Plaintiff-Respondent,

-against-

M-6145

Index No. 26031/14

Mark Umude, Anthony Hernandez,
Anthony Rodriguez, Aurorita Garcia,
Angel Gomez, Caesar Torres, Charles
Anaya Jr., Evita Alers and
Martha Garcia,

Defendants-Appellants.

-----X

Defendants-appellants having moved pursuant to 22 NYCRR 1250.10(c) for an order vacating the dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 6, 2017, and, upon vacatur, 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 is granted, the appeal reinstated, and the time to perfect same is enlarged to the September 2019 Term, with no further enlargements to be granted.

ENTERED:


CLERK

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

BEFORE: Rolando T. Acosta
Presiding Justice of the Appellate Division

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

Respondent,

- against-

M-5895
Ind. No. 221/12 &
69252C/11

Arvel Wilson,

Defendant-Appellant.

- - - - -x

Defendant having moved for an enlargement of time in which to seek a certificate granting leave to appeal to the Appellate Division pursuant to CPL 460.15 and CPL 450.15 subd. 2 with respect to the order of the Supreme Court, Bronx County (Lieb, J.), entered on or about February 9, 2018, which denied defendant's application pursuant to CPL 440.10 to set aside a judgement rendered by said Court,

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

Ordered that defendant's time in which to seek a certificate granting leave to appeal to this Court is enlarged to 30 days from the date of this Order.

Date: March 8, 2019



Presiding Justice

Entered:
ENTERED

MAR 19 2018

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,

M-410
Ind. No. 207/08

Respondent,
-against-

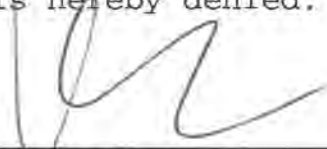
CERTIFICATE
DENYING LEAVE

Pierre Candel,

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, New York County, entered on or about December 11, 2018 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: February 28, 2019
New York, New York

ENTERED

MAR 19 2018