

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 May 1, 2014.

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

-----X  
Joyce Staton,  
Plaintiff-Respondent,

-against-

M-1555X  
Index No. 304918/11

Evergreen Gardens, Inc.,  
Defendant-Appellant.  
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about December 11, 2013,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 27, 2014, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

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

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

Angel C.,  
Petitioner-Appellant,

**M-199**  
Docket No. V-1498-09/12D

-against-

Nancy V.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, Bronx County, entered on or about November 15, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (917) 378-0176, 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 petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

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

-----X  
In the Matter of

Rashi-Malik Olatunji G.,

Application for the Guardianship and Custody of a Child Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -  
Harlem Dowling Westside Center for Children and Family Services,  
Petitioner-Respondent,

M-235

Docket Nos. A-28366/13  
B-27358/12

Quashi G.,  
Respondent-Appellant.

- - - - -  
Scott A. Rosenberg, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 30, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201 Jamaica, NY 11432, Telephone No. (917)378-0176, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **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 Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

---

<sup>1</sup>Service 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 May 1, 2014.

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

-----X

The People of the State of New York,  
Respondent,

-against-

Terrance Lewis,  
Defendant-Appellant.

-----X

M-3216  
Ind. Nos. 4842/01  
1575/03

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, Bronx County, rendered on or about November 23, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

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

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

-against-

M-5502  
Ind. No. 11562/92

Robert Cabeza,  
Defendant.

-----X

Defendant having filed a motion denominated as a motion for leave to appeal to the Court of Appeals from the order of this Court entered July 2, 2013 (M-1664),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from the defendant dated October 27, 2013, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, defendant having moved for said relief directly in the Court of Appeals.  
(See M-5638 decided simultaneously herewith).

ENTER:



CLERK

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

BEFORE: Hon. Luis A. Gonzalez  
Justice of the Appellate Division

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

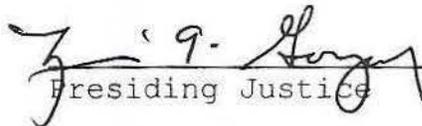
-against-

Robert Cabeza,  
Defendant.

M-5638  
Ind. No.  
11562/92  
CERTIFICATE  
DENYING LEAVE

-----X

I, Luis A. Gonzalez, 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 September 16, 2013 is hereby denied.

  
\_\_\_\_\_  
Presiding Justice

Dated: January 29, 2014  
New York, New York

ENTERED: MAY 1 2014

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 May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-422  
Ind. No. 1304/09

David Snipes,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 23, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **resentence**. 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, 74 Trinity Place, 11th 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 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-425  
Ind. No. 551/08

Yie Chen,  
Defendant-Appellant.

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

-against-

Case Nos. 65050C/08  
71851C/07

Yue Maio,  
Defendant-Appellant.

-----X

Separate appeals having been taken by defendant under the names Yie Chen and Yue Maio from the judgments of the Supreme Court, Bronx County, rendered on or about September 16, 2009,

And defendant-appellant under the name Yue Maio having moved for an enlargement of time to perfect his 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 enlarging the time to perfect the appeals taken by defendant-appellant under the separate names Yie Chen and Yue Maio to the September 2014 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-456  
Ind. No. 3303/13

Emmanuel Vargas,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 25, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-480  
Ind. No. 6575/97

Kenneth Grey,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 18, 2013, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-534  
Ind. No. 5863/11

Troy Folk,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 11, 2013 (M-984) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 15, 2013, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Scott A. Rosenberg, Esq. (as successor to Steven Banks, Esq.), as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-698  
Ind. No. 353/13

Sherif Rizk,  
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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. Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Paul G. Feinman, Justices.

-----X  
In re South Bronx Unite!, et al.,  
Petitioners-Appellant,

-against-

M-6063  
Index No. 260462/12

New York City Industrial Development  
Agency, et al.,  
Respondents-Respondents.

- - - - -

Natural Resources Defense Council,  
Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named petitioners-appellants from an order of the Supreme Court, Bronx County, entered on or about May 31, 2013, and said appeal having been decided (Appeal No. 11459),

And Natural Resources Defense Council having moved for leave to file a brief/leave to appear amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted nunc pro tunc to December 5, 2013, the date of argument.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X

Albana Rugova, as Administrator of the Estate of Darden Binakaj, Albana Rugova, Individually, Drita Binakaj, Musa Binakaj, and Donika Berani, next of kin of Darden Binakaj, deceased,

**M-1406**  
**M-1509**

Plaintiffs-Respondents-Appellants,

Index Nos. 303175/09  
303161/10

-against-

The City of New York, et al.,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 30, 2013,

And defendants-appellants-respondents having moved for an enlargement of time to perfect the direct appeal (M-1406),

And plaintiffs-respondents-appellants having cross-moved for an enlargement of time to perfect their cross appeal (M-509),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeal and cross appeal to the October 2014 Term. The parties' attention is directed to 22 NYCRR 600.11(d).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Darcel D. Clark, Justices.

-----X  
In the Matter of

Barbara Hultay, Fred M. Lowenfels,  
Edward G. Weiner,  
Petitioners-Appellants,

For the Appointment of Guardians of  
Person and Property of  
  
Ronald P. Stanton,

**SEALED**  
M-1392  
M-1511  
Index No. 500153/12

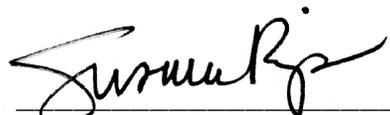
An Alleged Incapacitated Person.  
-----X

Petitioners-appellants (Hultay, Lowenfels and Weinder) and appellants the so called "minor children of Ronald Stanton" having moved by separate motions for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 11, 2013,

Now, upon reading and filing the papers with respect to the motions including the correspondence from counsel for petitioners-appellants (Hultay, Lowenfels and Weinder) dated April 9, 2014, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2014 Term (M-1392). The appeal and the motion by the aforesaid petitioners-appellants (Hultay, Lowenfels and Weinder) are deemed withdrawn in accordance with the aforesaid correspondence from counsel dated April 9, 2014 (M-1511).

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Eugene Stolowski, et al.,  
Plaintiffs-Respondents,

-against-

234 East 178<sup>th</sup> Street LLC and  
The City of New York,  
Defendants-Appellants.

M-1263  
Index No. 8850/05

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 27, 2013, and said appeal having been perfected,

And defendant-appellant The City of New York having moved for an order staying the trial, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Diane T. Renwick, Justices.

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

-against-

**M-148**  
Ind. No. 6117/02

James Pettus,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 28, 2005 (Appeal No. 6113), unanimously affirming the judgment of the Supreme Court, New York County (Wetzel, J.), rendered on October 20, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied in its entirety.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland DeGrasse  
Helen E. Freedman, Justice.

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

-against-

M-1010  
Ind. No. 1000/12

Lataya N. Carter,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2013, 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), setting forth the amount and sources of funds to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland DeGrasse  
Helen E. Freedman, Justice.

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

-against-

M-1032  
Ind. No. 2684N/11

Miguel Andrian-Reyes,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 29, 2014, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay (the fee of) trial counsel, Ernest Hammer, Esq., the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Leland DeGrasse  
Helen E. Freedman, Justice.

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

-against-

M-1026  
Ind. No. 2957/13

Michael McKinney,  
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 December 18, 2013, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> 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 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Diane T. Renwick  
Rosalyn H. Richter  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Janna Bullock,

Plaintiff-Appellant,

-against-

Giancarlo Alhadeff,

Defendant-Respondent.  
-----X

**M-1129**

Index No. 653042/12

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 21, 2012,

And defendant-respondent having moved for dismissal of the aforesaid 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 denied without prejudice to argument on the appeal with respect to the issue of the timeliness of the notice of appeal (CPLR 5513[a]), and it is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

**M-491**  
Ind. No. 4598/12

Johnny Blanding, also known as John  
Blanding,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2013,

And defendant-appellant, pro se, having moved for an order compelling the Chief Court Reporter of said Supreme Court to provide transcripts of all proceedings to defendant pursuant to the order of this entered September 20, 2013 (M-3643),

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

Ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

**M-521**

Ind. No. 2432/13

Spencer Weber,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 31, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Scott A. Rosenberg, Esq., 199 Water Street, 5th Floor, New York, New York 10004, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-543, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

**M-543**

Ind. No. 2432/13

Spencer Weber,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Obus, J.), entered on or about January 9, 2014, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Scott A. Rosenberg, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-521, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justice.

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

-against-

M-1203  
Ind. No. 5666/11

Chrisstena Dickson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 5, 2013 (M-5587) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2013, and assigning Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon the Court's own motion, it is

Ordered that the motion is granted to the extent of striking the designation of assigned counsel Scott A. Rosenberg, Esq., (as successor to Steven Banks, Esq.), as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 5<sup>th</sup> Avenue, Room 1701, New York, NY 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justice.

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

-against-

M-1204  
Ind. No. 3053/12

Noel Serrano,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 13, 2013 (M-2237) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 13, 2013, and assigning, Steven Banks, Esq., 199 Water Street, 5<sup>th</sup> Floor, New York, New York 10038, Telephone No. 212-577-3688, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon the Court's own motion, it is

Ordered that the motion is granted to the extent of striking the designation of assigned counsel Scott A. Rosenber, Esq., (as successor to Steven A. Banks, Esq.), as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 5<sup>th</sup> Avenue, Room 1701, New York, NY 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justice.

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

-against-

M-1206  
Ind. No. 4502/11

Joffre Alcivar,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 24, 2013 (M-3642) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 14, 2013, and assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon the Court's own motion, it is

Ordered that the motion is granted to the extent of striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 5<sup>th</sup> Avenue, Room 1701, New York, NY 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justice.

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

-against- M-1207  
Ind. No. 4517/08  
Hector Matos, Case No. 64335C/08  
Defendant-Appellant.

-----X

An order of this Court having been entered on May 30, 2013 (M-1947) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 25, 2013, and assigning, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon the Court's own motion, it is

Ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 5<sup>th</sup> Avenue, Room 1701, New York, NY 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justice.

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

-against-

M-1208  
Ind. No. 4680/10

Moses Suarez,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 17, 2013 (M-4119) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 17, 2013, and assigning, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon the Court's own motion, it is

Ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 5<sup>th</sup> Avenue, Room 1701, New York, NY 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Liberty Square Realty Corp.,  
Plaintiff-Appellant,

-against-

The Doe Fund, Inc., et al.,  
Defendants-Respondents.

M-1506  
Index No. 302595/11

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 9, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2014 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Helen E. Freedman  
Darcel D. Clark, Justices.

-----X  
Craig B. Massey,

Plaintiff-Respondent,

-against-

Christopher W. Byrne, et al.,

Defendants-Appellants.  
-----X

**M-314**  
Index NO. 107935/10

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 December 24, 2013 (Appeal No. 11395),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

Elvio Feola,  
Defendant-Appellant.

**M-501**

Ind. No. 2669/11  
Case No. 45029C/11

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 22, 2013, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, John Lewis, Esq., the amount and sources of funds for trial counsel's fee, the \$2,000.00 defendant receives each month from Liberty Mutual Insurance, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Judith J. Gische, Justices.

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

-against-

**M-512**

Patric Thomas,  
Defendant-Appellant.

Ind. Nos. 292/12  
33120C/11

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 20, 2013, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Harry A. Dusenberry, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland G. DeGrasse  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

-against-

M-1116  
Ind. No. 4730N/12

Rafael Nunez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2013,

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

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Leland DeGrasse  
Paul G. Feinman  
Barbara R. Kapnick, Justices.

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

-against-

M-1176  
Ind. Nos. 3311N/12  
1160N/12

Roberto Gonzalez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 22, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
In the Matter of

Mary B.,  
Petitioner,

-against-

M-4295  
Docket No. F-11180-04/12A

Miguel B.,  
Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Family Court, Bronx County, entered on or about January 10, 2013, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

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

-against-

M-1396  
Ind. No. 2308/08

Ross Campbell,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 23, 2010, and said appeal having been perfected,

And defendant-appellant pro se having moved for leave to file a supplemental record on appeal, or in the alternative, to strike the appellate brief filed by the Center for Appellate Litigation on defendant's behalf,

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

It is ordered that the motion is granted to the extent of directing counsel Paul E. Kerson, Esq. to file 9 copies of the "Proposed Supplemental Brief" attached to Attorney Kerson's affirmation dated April 3, 2014, but without the attached letters, forthwith.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Helen E. Freedman  
Paul G. Feinman, Justices.

-----X  
Edward Callegari,  
Plaintiff-Respondent,

**M-665**

**M-972**

-against-

Index No. 102354/05

Davis & Partners, LLC, et al.,  
Defendants-Appellants.

-----X  
Davis & Partners, LLC, et al.,  
Third-Party Plaintiffs-Appellants,

Third-Party

-against-

Index No. 590635/08

Jansen Associates, Inc.,  
Third-Party Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about May 25, 2012 and a judgment of said Court entered on or about January 21, 2014,

And third-party defendant-respondent, Jansen Associates, Inc., having moved for an order dismissing the aforesaid appeals (M-665),

And defendants/third-party plaintiffs-appellants, Davis & Partners, LLC, et al., having cross-moved for an order enlarging the time to perfect the appeal taken from the order entered on or about May 25, 2012 (M-972),

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

Ordered that the motion is granted and both of the aforesaid appeals are dismissed (M-665). The cross motion is denied (M-972).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Rolando T. Acosta. Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-683  
Ind. No. 3172/13

Wuan Smith,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 28, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Rolando T. Acosta. Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Helen E. Freedman  
Paul G. Feinman, Justice.

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

-against-

M-783  
Ind. No. 4804/12

Anthony Strickland,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 10, 2013 (M-3529), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 22, 2013, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Scott A. Rosenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq. (As successor to Steven Banks, Esq.), Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100,, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon: Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-464  
Ind. No. 30019/12

JR Santiago,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, entered on or about March 29, 2012,

And defendant-appellant having moved for an order permitting him to proceed with the appeal by the appendix method and deeming his brief timely filed, and 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 enlarging the time to perfect the appeal to the September 2014 Term, and otherwise denied without prejudice to defendant's proceeding according to the Rules of this Court. (See NYCRR 600.5; 22 NYCRR 600.8(a) and 22 NYCRR 600.10 [c]).

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

Respondent,

-against-

M-650

Ind. No. 1671/12

Taryn C. Miller,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2013, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Darren Fields, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

M-685  
Ind. No. 6285/08

Ryan Randolph,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 28, 2010,

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

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

The motion, insofar as it is deemed one to request poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-492**

Ind. No. 3833/08

Harold Taylor,

Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, and said appeal having been heard and decided (See Appeal No. 6865; February 21, 2012, People v. Taylor 92 AD 3 556 [1<sup>st</sup> Dept. 2013])

And defendant-appellant having moved pro se for an order releasing to defendant the minutes of the Grand Jury Proceedings,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Karla Moskowitz  
Helen E. Freedman  
Paul G. Feinman, Justices.

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

-against-

M-684  
Ind. No. 2050/10  
Case No. 642/11

Joseph Belle,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 30, 2012, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Paul G. Feinman  
Darcel D. Clark, Justices.

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

-against-

**M-565**  
Ind. No. 3231/12

Troy Wilson,  
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 December 13, 2013,

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justice.

-----X  
In the Matter of

Antoine C.,  
Respondent-Appellant,

M-882  
Docket No. D28310/11

A Person Alleged to be a  
Juvenile Delinquent.

-----X

Respondent-appellant, in connection with appeal from an order of the Family Court, Bronx County, entered on or about May 2, 2013, having moved 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 enlarging the time to perfect the appeal to the October 2014 Term.

ENTER:



\_\_\_\_\_  
CLERK

P.M ORDERS  
FOR MAY 01,  
2014

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 May 1, 2014.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Index No. 771000/10  
Litigation

Xhevahire Sinanaj and Selvi Sinanovic, as  
Co-Administrators of the Estate of Ramadan  
Kurtaj, Deceased, and Selvi Sinnanovic  
Individually,  
Plaintiffs-Respondents,

-against-

M-1688  
Index No. 117469/08

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

-and-

New York Crane & Equipment Corp., J.F.  
Lomma, Inc., Tes, Inc., James F. Sorbara  
Construction Corp., 1765 First Associates,  
LLC, Leon D. DeMatteis Construction  
Corporation,  
Defendants-Appellants.

-----X  
(And other actions)  
-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 16, 2014 [Index No. 117469/08], and said appeal having been perfected,

And various other appeals listed in paragraph 3, sub-paragraphs A through M of the joint affirmation of counsel submitted in support of the instant motion having been taken from various other orders in the above captioned matter,

And defendants-appellants New York Crane and Equipment Corp., DeMatteis Construction, Leon D. DeMatteis Construction Corporation, 1765 First Associates, LLC, Sorbara Construction Corporation, Howard I. Shapiro and Associates Consulting Engineers, P.C., Mattone Group Construction Company Ltd., Mattone Group, Ltd. And Mattone Group LLC, having jointly moved for a stay of trial, pending hearing and determination of the aforesaid perfected appeals and the various appeals listed in paragraph 3, sub-paragraphs A through M of the joint affirmation of counsel submitted in support of the motion,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Judith J. Gische  
Darcel D. Clark, Justices.

-----X

Shamicka Ramirez, an infant, by  
her mother and natural guardian,  
Annette Santiago, and Annette  
Santiago, individually,  
Plaintiffs-Respondents,

**M-1744**

Index No. 350312/08

-against-

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

Rainbow Transit, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from orders of the Supreme Court, Bronx County, entered on or about March 18, 2013 and July 10, 2013, respectively, and said appeal having been heard (Appeal No. 12488N),

And defendant-appellant having moved for a stay of trial pending determination of 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.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
ACA Financial Guaranty Corp.,  
Plaintiff-Respondent,

-against-

Goldman, Sachs & Co.,  
Defendant-Appellant.  
-----X

M-5928  
M-935  
Index No. 650027/11

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 14, 2013 (Appeal No. 9037) [M-5928],

And defendant-appellant having moved for leave to file a sur-reply brief in further opposition to plaintiff-respondent's motion for leave to appeal to the Court of Appeals [M-935],

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

It is ordered that the motion is for leave to appeal to the Court of Appeals [M-5928] granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. The motion by defendant-appellant for leave to file a sur-reply brief [M-935] is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Rolando T. Acosta  
David B. Saxe  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
225 East 64<sup>th</sup> Street LLC,

Plaintiff-Appellant,

-against-

Janet H. Prystowsky, M.D. P.C.,

Defendant-Respondent.

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

**M-969**  
**M-1334**  
Index No. 651095/10

An order of this Court having been entered on December 10, 2013 (M-5333/M-5667) granting defendant-respondent's motion and plaintiff-appellant's cross-motion with respect to plaintiff's appeal taken from a judgment of the Supreme Court, New York County, having been entered on or about June 20, 2013, to the extent of referring the matter to the Supreme Court New York County Special Referee's Part for hearing and determination,

And the determination of the Special Referee's Report (Marilyn T. Sugarman), dated February 18, 2014, having ruled in favor of defendant-respondent and having disposed of the aforesaid matter,

And plaintiff having moved for an order disaffirming the aforesaid Special Referee's Report and granting an extension of time to file a notice of appeal (M-969),

And defendant-respondent having cross-moved for an order confirming the aforesaid Special Referee's Report (M-1334),

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 defendant's cross motion is granted to the extent of confirming the Special Referee's Report (M-1334). Plaintiff's motion to disaffirm said Report and for an extension of time to file a notice of appeal is denied(M-969). Sua sponte, the appeal is dismissed.

ENTER:



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CLERK