

**DAY CALENDAR**  
**Tuesday, January 7, 2020 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

21.0  
KA 17-00131

PEOPLE  
V  
DANIEL K. YOUNGS

Appeal from a judgment of the Herkimer County Court (Donald E. Todd, A.J.), rendered January 6, 2017. The judgment convicted defendant, upon a plea of guilty, of rape in the first degree, criminal sexual act in the first degree and attempted sexual abuse in the first degree.

PETER J. DIGIORGIO, JR. for DANIEL K. YOUNGS 10 minutes

ROBERT R. CALLI for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

22.0  
KA 18-01046

PEOPLE  
V  
MICHAEL BURGESS

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered April 17, 2018. The judgment convicted defendant, upon a plea of guilty, of attempted burglary in the third degree.

ROBERT L. KEMP for MICHAEL BURGESS Submitted

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

23.0  
KA 19-01452

PEOPLE  
V  
MICHAEL STENSON

Appeal from a judgment of the Onondaga County Court (Matthew J. Doran, J.), rendered March 5, 2018. The judgment convicted defendant, upon a plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a firearm.

GUY A. TALIA for MICHAEL STENSON 10 minutes

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

24.0  
KA 17-00096

PEOPLE  
V  
WILLIE STENSON

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered March 24, 2016. The judgment convicted defendant, upon a plea of guilty, of failure to register or verify as a sex offender, as a class D felony.

DAVID R. JUERGENS for WILLIE STENSON Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

25.0  
KA 17-02209

PEOPLE  
V  
WADE SANDERS

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered December 13, 2017. The judgment convicted defendant, upon a plea of guilty, of leaving the scene of an incident resulting in death.

SHERRY A. CHASE for WADE SANDERS Submitted

	<b>DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>26.0</b>	<b>PEOPLE</b>	
<b>KA 15-01963</b>	<b>V</b>	
	<b>DAVID TETRO, JR.</b>	
	<b>Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered October 28, 2015. The judgment convicted defendant, upon a jury verdict, of grand larceny in the second degree, welfare fraud in the third degree and offering a false instrument for filing in the first degree.</b>	
	<b>JOHN A. CIRANDO for DAVID TETRO, JR.</b>	<b>15 minutes</b>
	<b>LISA E. FLEISCHMANN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>15 minutes</b>
<b>27.0</b>	<b>PEOPLE</b>	
<b>KA 17-01096</b>	<b>V</b>	
	<b>OTIS SIMMONS</b>	
	<b>Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Thomas J. Miller, J.), entered April 10, 2017. The order denied defendant's motion pursuant to CPL 440.10 and CPL 440.30 (1-a) to vacate the judgment convicting defendant upon a jury verdict of rape in the first degree, criminal sexual act in the first degree (two counts), aggravated sexual abuse in the third degree, sexual abuse in the first degree and DNA testing of physical evidence.</b>	
	<b>PHILIP ROTHSCHILD for OTIS SIMMONS</b>	<b>10 minutes</b>
	<b>KENNETH H. TYLER, JR. for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>28.0</b>	<b>PEOPLE</b>	
<b>KA 17-02215</b>	<b>V</b>	
	<b>JERRELL ALLEN</b>	
	<b>Appeal from a judgment of the Supreme Court, Onondaga County (Gordon J. Cuffy, A.J.), rendered November 8, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree, obstructing governmental administration in the second degree, reckless endangerment in the second degree and resisting arrest.</b>	
	<b>PIOTR BANASIAK for JERRELL ALLEN</b>	<b>15 minutes</b>
	<b>DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>29.0</b>	<b>IN THE MATTER OF</b>	
<b>CAF 18-01658</b>	<b>CARL B.</b>	
	<b>Appeal from an order of the Family Court, Monroe County (Stacey Romeo, J.), entered August 13, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent with respect to the subject child.</b>	
	<b>PAUL B. WATKINS for CARL B.</b>	<b>10 minutes</b>
	<b>CAROL LYNN EISENMAN for MONROE COUNTY DSS</b>	<b>10 minutes</b>
	<b>ELIZABETH DEV. MOELLER for ATTORNEY FOR CHILD</b>	<b>10 minutes</b>
<b>30.0</b>	<b>IN THE MATTER OF</b>	
<b>CAF 19-00200</b>	<b>NYKIRA H.</b>	

Appeal from an order of the Family Court, Monroe County (James E. Walsh, Jr., J.), entered January 8, 2019 in a proceeding pursuant to Social Services Law § 384. The order terminated the partial rights of respondent with respect to the subject child.

JAMES A. HOBBS for CHELLSIE B.-M. 10 minutes

PETER ANDREW ESSLEY for MONROE COUNTY DSS 5 minutes

CLAYTON FREDRICK HALE for ATTORNEY FOR CHILD 5 minutes

31.0  
CAF 19-00792

IN THE MATTER OF  
OLIVIA W.

Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered March 27, 2019 in a proceeding pursuant to Family Court Act article 10. The order dismissed the petition.

JOHN A. HERBOWY for ONEIDA COUNTY DSS Submitted

COURTNEY WILLIAMS for COURTNEY W. Submitted

WILLIAM L. KOSLOSKY for ATTORNEY FOR CHILD Submitted

32.0  
CAF 18-00929

IN THE MATTER OF  
BRIANNA M. H.

**SETTLED**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered March 12, 2018 in a proceeding pursuant to Family Court Act article 10. The order denied respondent Crystal H.'s motion to vacate the temporary order of protection issued November 13, 2017 and to vacate a certain provision of the order on review entered on November 29, 2017.

WILLIAM D. BRODERICK, JR. for CRYSTAL H.

NICHOLAS G. LOCICERO for ERIE COUNTY DSS

RICHARD L. SULLIVAN for ATTORNEY FOR THE CHILD

33.0  
CAF 18-01639

JOHN AVENT  
V  
MARIA AVENT

Appeal from an order of the Family Court, Cattaraugus County (Moses M. Howden, J.), entered July 17, 2018 in a proceeding pursuant to Family Court Act article 6. The order granted respondent's motion to dismiss the petition.

JAY DAVID CARR for JOHN AVENT 5 minutes

JESSICA L. ANDERSON for MARIA AVENT 5 minutes

LYLE T. HAJDU for ATTORNEY FOR THE CHILD 5 minutes

34.0  
CAF 19-01058

JOHN L. DRAKE  
V  
ANN M. DRAKE

Appeal from a decision and order of the Family Court, Cattaraugus County (Moses M. Howden, J.), entered November 20., 2018, in a proceeding pursuant to Family Court Act article 4. The decision and order, inter alia, denied the objections of respondent.

JOHN A. CIRANDO for ANN M. DRAKE 10 minutes

JOHN L. DRAKE for HIMSELF Submitted

35.0 CA 19-01270	<p><b>PATRICIA GLOSEK</b> V <b>BELLA PIZZA</b></p> <p>Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered July 9, 2019. The order denied the motion of defendant for summary judgment.</p>	
	<b>KEITH N. BOND</b> for BELLA PIZZA	10 minutes
	<b>DAVID W. OLSON</b> for PATRICIA GLOSEK	10 minutes
36.0 CA 19-01593	<p><b>JOHN GUIDO</b> V <b>COUNTY OF CAYUGA</b></p> <p>Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered May 20, 2019. The order, insofar as appealed from, granted in part the motion of plaintiff for summary judgment and denied in part the motion of defendants County of Cayuga, et al., for summary judgment.</p>	
	<b>CHARLES C. SPAGNOLI</b> for COUNTY OF CAYUGA	15 minutes
	<b>KENNETH B. GOLDBLATT</b> for JOHN GUIDO	15 minutes
37.0 CA 19-00367	<p><b>CHRISTINE C. BINGHAM</b> V <b>TOWN OF WHEATFIELD</b></p> <p>Appeal from a decision and order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered February 21, 2019. The decision and order denied the application of plaintiffs for a declaration that their notices of claim were timely served.</p>	
	<b>LILIA FACTOR</b> for CHRISTINE C. BINGHAM	15 minutes
	<b>SCOTT M. PHILBIN</b> for TOWN OF WHEATFIELD	15 minutes
38.0 CA 19-01261	<p><b>IN THE MATTER OF</b> <b>ESTATE OF HOWARD BRUSIE</b></p> <p>Appeal from a decision and order of the Surrogate's Court, Orleans County (Sanford A. Church, S.), entered June 28, 2019. The decision and order denied and dismissed the petition for probate and vacated preliminary letters.</p>	
	<b>BARRY J. DONOHUE</b> for LISA FITZAK	10 minutes
39.0 CA 19-01459	<p><b>CAROL S.</b> V <b>THE STATE OF NEW YORK</b></p> <p>Appeal from an order of the Court of Claims (Rene Forgensi Minarik, J.), entered January 11, 2019. The order denied claimants' motion for partial summary judgment on liability and granted defendant's cross-motion for summary judgment dismissing the claim.</p>	
	<b>KATHRYN LEE BRUNS</b> for CAROL S.	15 minutes
	<b>JONATHAN D. HITSOUS</b> for THE STATE OF NEW YORK	10 minutes
40.0 CA 19-00675	<p><b>NANCY DZIWULSKI</b> V <b>LISA TOLLINI-REICHERT, M.D.</b></p>	

**Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered April 1, 2019. The order denied defendant Lisa Tollini-Reichert, M.D.'s motion for summary judgment.**

**KARA M. EYRE for LISA TOLLINI-REICHERT, M.D.**

**15 minutes**

**MICHAEL R. DRUMM for NANCY DZIWULSKI**

**10 minutes**