

MOTION NO. (649/91) KA 02-00858. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM J. BARNES, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (788/06) KA 04-02067. -- THE PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V DANIEL GAFFNEY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (1166/06) KA 03-01135. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MELVIN J. MOORE, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, NEMOYER, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (1038/10) KA 09-00533. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANDRE M. MCMILLON, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CARNI, J.P., NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (221/11) KA 09-01583. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ORLANDO O. OCASIO, DEFENDANT-APPELLANT. -- Motion for reargument dismissed. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (632/12) KA 10-01368. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD THOMAS, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (1448/12) KA 10-01825. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DASHAWN DAVIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, AND CARNI, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (933/14) KA 12-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLARENCE E. SCARVER, ALSO KNOWN AS "C," DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, AND WINSLOW, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (371/15) KA 10-00599. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RAMON RELEFORD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (68/16) KA 14-01980. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TIMOTHY C. DEPETRIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (673/16) KA 12-00874. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FAHEEM ABDUL-JALEEL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (638/18) KA 15-01174. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALEXANDER KATES, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (877/18) KA 16-00063. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STORM U. LANG, ALSO KNOWN AS STORM U. J. LANG, ALSO KNOWN AS STORM LANG, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (910/18) CA 17-02085. -- VILLAGE OF SOLVAY, PLAINTIFF-RESPONDENT, V RANA J. ZAHRAN AND STEVEN'S FOOD MARKET, INC., DEFENDANTS-APPELLANTS. (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

MOTION NO. (911/18) CA 18-00119. -- VILLAGE OF SOLVAY, PLAINTIFF-RESPONDENT, V RANA J. ZAHRAN AND STEVEN'S FOOD MARKET, INC.,

**DEFENDANTS-APPELLANTS. (APPEAL NO. 2.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

**MOTION NO. (957/18) CA 17-00426. -- INMATE M., CLAIMANT-APPELLANT, V STATE OF NEW YORK, DEFENDANT-RESPONDENT. (CLAIM NO. 125930.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 21, 2018.)

**MOTION NO. (1064/18) CA 18-00041. -- AGNIESZKA CHEN, PLAINTIFF-RESPONDENT, V WILLIAM CHEN, DEFENDANT-APPELLANT. (APPEAL NO. 1.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND CURRAN, JJ. (Filed Dec. 21, 2018.)

**MOTION NO. (1065/18) CA 18-00098. -- AGNIESZKA CHEN, PLAINTIFF-RESPONDENT, V WILLIAM CHEN, DEFENDANT-APPELLANT. (APPEAL NO. 2.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND CURRAN, JJ. (Filed Dec. 21, 2018.)

**KA 17-00111. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERMAINE HARRISON, DEFENDANT-APPELLANT.** -- The case is held, the decision is

reserved, the motion to relieve counsel of assignment is granted and new counsel is to be assigned. Memorandum: Defendant was convicted of, inter alia, assault in the second degree (Penal Law § 120.05 [3]) and was sentenced on that conviction, as a second felony offender, to a determinate term of imprisonment of three years and three years' postrelease supervision. Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38 [4th Dept 1979]). However, a nonfrivolous issue exists concerning the legality of defendant's sentence with respect to the period of postrelease supervision imposed (see Penal Law § 70.45 [2]). Therefore, we relieve counsel of his assignment and assign new counsel to brief this issue, as well as any other issues that counsel's review of the record may disclose. (Appeal from Judgment of Wayne County Court, Dennis M. Kehoe, J. - Assault, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)

**KA 17-00461. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL D. MUNOZ, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Wyoming County Court, Michael M. Mohun, J. - Criminal Possession Forged Instrument, 2nd Degree). PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 21, 2018.)