

DAY CALENDAR
Monday, April 11, 2016 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

356.0
TP 15-01013

KATHLEEN M. GORDON
V
NEW YORK STATE D.O.C.C.S.

Proceeding pursuant to Executive Law § 298 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Orleans County [James P. Punch, A.J.], entered June 10, 2015) to review a determination of respondent New York State Division of Human Rights. The determination dismissed the complaint of petitioner of discrimination on the basis of disability and perceived sexual orientation.

KATHLEEN M. GORDON for HERSELF 10 minutes

ALLYSON B. LEVINE for NEW YORK STATE D.O.C.C.S. 10 minutes

CAROLINE J. DOWNEY for NEW YORK STATE D.H.R. Submitted

357.0
KA 15-00649

PEOPLE
V
WILLIAM I. WALTER

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the third degree

ADAM H. VAN BUSKIRK for WILLIAM I. WALTER Submitted

BRIAN THOMAS LEEDS for PEOPLE OF THE STATE OF NEW YORK Submitted

358.0
KA 13-01938

PEOPLE
V
ERIC L. RICHARDSON

Appeal from a judgment of the Supreme Court, Erie County (Ronald H. Tills, A.J.), rendered December 23, 2005. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

TIMOTHY P. MURPHY for ERIC L. RICHARDSON Submitted

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK Submitted

359.0
KA 13-01760

PEOPLE
V
ERIC L. RICHARDSON

Appeal from a judgment of the Supreme Court, Erie County (Ronald H. Tills, A.J.), rendered December 23, 2005. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

TIMOTHY P. MURPHY for ERIC L. RICHARDSON Submitted

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK Submitted

360.0
KA 15-00061

PEOPLE
V
CHRIS J. SHERLOCK

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered November 24, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree and criminal contempt in the first degree

SUSAN C. MINISTERO for CHRIS J. SHERLOCK

Submitted

ELIZABETH ENSELL for PEOPLE OF THE STATE OF NEW YORK

Submitted

361.0
KA 15-00209

PEOPLE
V
EVAN WELCHER

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered May 22, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree.

ROBERT TUCKER for EVAN WELCHER

Submitted

BRUCE A. ROSEKRANS for PEOPLE OF THE STATE OF NEW YORK

Submitted

362.0
KA 13-01846

PEOPLE
V
WILLIAM TERRY

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered April 18, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted sexual abuse in the first degree.

PIOTR BANASIAK for WILLIAM TERRY

Submitted

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK

Submitted

363.0
KA 14-00938

PEOPLE
V
SAMUEL TILLMAN

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered May 7, 2013. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

TIMOTHY P. MURPHY for SAMUEL TILLMAN

Submitted

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

Submitted

364.0
KA 14-00704

PEOPLE
V
BRADY J. DEMICK

Appeal from a judgment of the Allegany County Court (Thomas P. Brown, J.), rendered September 30, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

ARZA FELDMAN for BRADY J. DEMICK

Submitted

KEITH A. SLEP for PEOPLE OF THE STATE OF NEW YORK

Submitted

365.0
KA 14-00499

PEOPLE
V
JEREMY C. MAIER

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered May 13, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the third degree, burglary in the first degree and criminal trespass in the second degree.

SHERRY A. CHASE for JEREMY C. MAIER

10 minutes

TIMOTHY J. GARVIN for PEOPLE OF THE STATE OF NEW YORK

10 minutes

**366.0
KA 11-01944**

PEOPLE

V

JAQUAN CLARK

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered December 1, 2009. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (eight counts) and criminal possession of a weapon in the second degree (two counts).

MARK D. FUNK for JAQUAN CLARK

10 minutes

GEOFFREY KAEUPER for PEOPLE OF THE STATE OF NEW YORK

10 minutes

**367.0
KA 05-02660**

PEOPLE

V

JOSE A. GOMEZ

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered November 16, 2005. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree, attempted assault in the second degree, assault in the second degree, criminal possession of a weapon in the third degree, criminal mischief in the fourth degree, petit larceny and tampering with physical evidence.

MARY P. DAVISON for JOSE A. GOMEZ

10 minutes

JOHN C. TUNNEY for PEOPLE OF THE STATE OF NEW YORK

10 minutes

**368.0
KA 12-01596**

PEOPLE

V

DARRELL HOFFMAN

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 16, 2012. The judgment convicted defendant, upon his plea of guilty, of gang assault in the first degree.

BRIDGET L. FIELD for DARRELL HOFFMAN

10 minutes

SCOTT MYLES for PEOPLE OF THE STATE OF NEW YORK

10 minutes

**369.0
KA 14-00473**

PEOPLE

V

JESSE J. BARNES

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered February 14, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree (two counts), grand larceny in the third degree (two counts), grand larceny in the fourth degree (two counts) and criminal mischief in the third degree (two counts).

MARY P. DAVISON for JESSE J. BARNES

10 minutes

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK

10 minutes

370.0
KA 14-01807

PEOPLE
V
JESSE J. BARNES

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered July 9, 2014. The judgment resented defendant.

MARY P. DAVISON for JESSE J. BARNES

Submitted

R. MICHAEL TANTILLO for PEOPLE OF THE STATE OF NEW YORK

Submitted

371.0
KA 13-01191

PEOPLE
V
ALPHEAUS DAILEY

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered April 18, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

PIOTR BANASIAK for ALPHEAUS DAILEY

5 minutes

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK

10 minutes

372.0
CA 14-00556

STATE OF NEW YORK
V
NUSHAWN WILLIAMS

Appeal from an order of the Supreme Court, Chautauqua County (John L. Michalski, A.J.), entered March 3, 2014 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, directed that respondent be committed to a secure treatment facility designated by the Office of Mental Health.

MARK C. DAVISON for NUSHAWN WILLIAMS

15 minutes

ALLYSON B. LEVINE for STATE OF NEW YORK

10 minutes

373.0
CA 15-01415

DONALD J. GARVIN
V
EDWARD C. WOJCIK, JR.

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered April 21, 2015 in a personal injury action. The order granted defendant's motion for summary judgment dismissing plaintiff's complaint.

DANIEL J. CHIACCHIA for DONALD J. GARVIN

10 minutes

NORMAN E.S. GREENE for EDWARD C. WOJCIK, JR.

15 minutes

374.0
CA 15-01179

MICHAEL C. TERRANOVA
V
PATRICIA TERRANOVA

Appeal and cross appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 14, 2014. The order determined that each party is responsible for his or her own attorney's fees.

CATHARINE M. VENZON for PATRICIA TERRANOVA

10 minutes

ANDRES D. ORTIZ for MICHAEL C. TERRANOVA

10 minutes

375.0
CA 15-00795

MICHAEL G. MITCHELL
V
CALIN OLAR

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered August 21, 2014. The order granted the motions of defendants Calin Olar and Cold Spring Construction Company to dismiss the cross claim asserted by defendant Anthony Crisafulli.

KEITH D. MILLER for ANTHONY M. CRISAFULLI 10 minutes

DONNA L. BURDEN for CALIN OLAR 10 minutes

PHYLISS A. HAFNER for COLD SPRING CONSTRUCTION COMPANY 10 minutes

ANTHONY F. ENDIEVERI for MICHAEL G. MITCHELL Submitted

376.0
CA 15-01528

DANIEL KENEFICK
V
THOMAS STICHT

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (John L. Michalski, A.J.), entered June 4, 2015 in a proceeding pursuant to CPLR article 78. The judgment set aside respondents' determination denying petitioner's release to parole and granted petitioner a de novo parole hearing before a different panel.

LAURA ETLINGER for THOMAS STICHT 10 minutes

DANIEL KENEFICK for HIMSELF Submitted

377.0
CA 15-01378

STATE OF NEW YORK
V
NUSHAWN WILLIAMS

Appeal from an order of the Supreme Court, Chautauqua County (John L. Michalski, J.), entered July 30, 2015. The order denied the motion of respondent to vacate an order entered March 3, 2014.

MARK C. DAVISON for NUSHAWN WILLIAMS 15 minutes

ALLYSON B. LEVINE for STATE OF NEW YORK 10 minutes

378.0
CA 14-01928

AFTERMATH RESTORATION, INC.
V
NEW YORK CENTRAL MUTUAL FIRE INSURANCE

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered July 3, 2014. The order denied the motion of defendant David Dale for summary judgment, granted the cross motion of defendant New York Central Mutual Fire Insurance Company for summary judgment and declared that New York Central Mutual Fire Insurance Company is not obligated to defend and indemnify David Dale.

DAVID DALE for HIMSELF 15 minutes

STEVEN P. CURVIN for NEW YORK CENTRAL MUTUAL FIRE INSURANCE 15 minutes

379.0
CA 15-01018

WEYDMAN ELECTRIC, INC.
V
JOINT SCHOOLS CONSTRUCTION BOARD

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered February 19, 2015. The order granted defendants' motion dismissing the complaint.

EDWARD JAY SHEATS for WEYDMAN ELECTRIC, INC.

15 minutes

JOHN G. POWERS for JOINT SCHOOLS CONSTRUCTION BOARD

10 minutes

380.0
CA 15-01490

STEPHEN SARACH

V

M&T BANK CORPORATION

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered May 28, 2015. The order granted plaintiff's motion to strike defendant's answer and affirmative defenses.

DIANE MARIE ROBERTS for M&T BANK CORPORATION

15 minutes

TIMOTHY M. HUDSON for STEPHEN SARACH

10 minutes

381.0
CA 14-01808

DANIEL VEGA

V

STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered September 5, 2014 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that petitioner shall continue to be committed to a secure treatment facility.

PATRICK T. CHAMBERLAIN for DANIEL VEGA

15 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK

10 minutes

382.0
CA 15-00866

DANIEL VEGA

V

STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered April 29, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, denied petitioner's motion to vacate the order continuing his commitment to a secure treatment facility.

PATRICK T. CHAMBERLAIN for DANIEL VEGA

Submitted

JONATHAN D. HITSOUS for STATE OF NEW YORK

Submitted