

**DAY CALENDAR**  
**Wednesday, May 15, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**621.0**  
**KA 18-02297**

**PEOPLE**  
**V**  
**MATTHEW LOUIS LOMAGLIO**

Appeal from an order of the Supreme Court, Monroe County (Joanne M. Winslow, J.), entered May 22, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

**DAVID M. ABBATOY, JR. for MATTHEW LOUIS LOMAGLIO** Submitted

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

**622.0**  
**KA 18-00518**

**PEOPLE**  
**V**  
**NAESEAN HOWARD**

Appeal from a judgment of the Onondaga County Court (Robert L. Bauer, A.J.), rendered February 17, 2017. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree, assault in the second degree and criminal possession of a weapon in the fourth degree.

**SARA A. GOLDFARB for NAESEAN HOWARD** Submitted

**KENNETH H. TYLER for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

**623.0**  
**KA 17-01080**

**PEOPLE**  
**V**  
**JAMES JOHNSON, JR.**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered March 24, 2017. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the fifth degree.

**BRITTNEY NICOLE CLARK for JAMES JOHNSON, JR.** 10 minutes

**NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

**624.0**  
**KA 17-01360**

**PEOPLE**  
**V**  
**RAKWON ROBERTSON**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered June 23, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree, attempted assault in the first degree and criminal possession of a weapon in the second degree.

**BARBARA J. DAVIES for RAKWON ROBERTSON** Submitted

**JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

**625.0**  
**KA 19-00031**

**PEOPLE**  
**V**  
**ARTHUR LEWIS, JR.**

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered May 7, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the second degree.

	ERIN E. MCCAMPBELL for ARTHUR LEWIS, JR.	10 minutes
	DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
626.0 KA 17-01334	<b>PEOPLE</b> V <b>JOSE CRUZ-RIVERA</b>	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 22, 2017. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, kidnapping in the second degree, gang assault in the first degree, assault in the first degree and criminal possession of a weapon in the third degree.	
	LINDA M. CAMPBELL for JOSE CRUZ-RIVERA	15 minutes
	KENNETH TYLER, JR., for THE PEOPLE OF THE STATE OF NEW YORK	15 minutes
627.0 KA 16-00034	<b>PEOPLE</b> V <b>EARL HOWARD</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 Erie County Court (Michael L. D'Amico, J.), dated December 1, 2015. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.	
	SHERRY A. CHASE for EARL HOWARD	10 minutes
	DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
628.0 KA 15-01805	<b>PEOPLE</b> V <b>ROBERTO QUINONES</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered November 13, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), robbery in the first degree, robbery in the second degree and criminal possession of a weapon in the second degree.	
	BRIDGET L. FIELD for ROBERTO QUINONES	10 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
629.0 KA 17-01637	<b>PEOPLE</b> V <b>SHAMON BEDELL</b>	
	Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered June 6, 2017. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree	
	CAITLIN M. CONNELLY for SHAMON BEDELL	5 minutes
	JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
630.0 KAH 18-01819	<b>PEOPLE EX REL.</b> <b>NANCY ENOKSEN</b> V <b>S. SQUIRES</b>	

Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (Michael M. Mohun, A.J.), entered August 7, 2018 in a habeas corpus proceeding. The judgment denied the petition.

NANCY ENOKSEN for HERSELF

Submitted

LETITIA JAMES for S. SQUIRES

Submitted

631.0  
KAH 18-01820

PEOPLE EX REL.  
NANCY ENOKSEN  
V  
S. SQUIRES

Appeal from an order of the Supreme Court, Orleans County (Michael M. Mohun, A.J.), entered August 17, 2018. The order denied the motion of petitioner seeking leave to renew or reargue.

NANCY ENOKSEN for HERSELF

Submitted

LETITIA JAMES for S. SQUIRES

Submitted

632.0  
KAH 18-01806

PEOPLE EX REL.  
MELINDA LUCK  
V  
S. SQUIRES

Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (Michael M. Mohun, A.J.), entered August 7, 2018 in a habeas corpus proceeding. The judgment denied the petition.

MELINDA LUCK for HERSELF

Submitted

LETITIA JAMES for S. SQUIRES

Submitted

633.0  
KAH 18-01807

PEOPLE EX REL.  
MELINDA LUCK  
V  
S. SQUIRES

Appeal from an order of the Supreme Court, Orleans County (Michael M. Mohun, A.J.), entered August 7, 2018. The order denied the motion of petitioner seeking leave to renew or reargue.

MELINDA LUCK for HERSELF

Submitted

LETITIA JAMES for S. SQUIRES

Submitted

634.0  
CA 19-00067

PAMELA SHATTUCK  
V  
SHIRLEY ANAIN

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.) entered July 16, 2018. The order granted defendant's motion for summary judgment.

WAYNE I. FREID for PAMELA SHATTUCK

15 minutes

MICHAEL J. ROACH for SHIRLEY ANAIN

10 minutes

635.0  
CA 18-01829

CHARLES E. WASHINGTON, SR.  
V  
CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered March 19, 2018. The order, insofar as appealed from, denied the motion of defendant City of Buffalo for summary judgment.

ROBERT E. QUINN for CITY OF BUFFALO 10 minutes

GREGORY V. PAJAK for CHARLES E. WASHINGTON, SR. 10 minutes

TODD C. BUSHWAY for DAYCIA P. MCCLAM Submitted

MICHAEL A. RIEHLER for MASTERS EDGE, INC. Submitted

636.0  
CA 18-02342

**TOWN OF LERAY**  
**V**  
**VILLAGE OF EVANS MILLS**

Appeal from a judgment (denominated order) of the Supreme Court, Jefferson County (James P. McClusky, J.), entered May 23, 2018 in a CPLR article 78 proceeding and declaratory judgment action. The judgment found that the zoning laws of respondents-defendants do not apply to petitioner-plaintiff's construction of a barn but do apply to the construction of a new entrance from Willow Street.

MARK G. GEBO for TOWN OF LERAY Submitted

BRODY D. SMITH for VILLAGE OF EVANS MILLS 15 minutes

637.0  
CA 18-01677

**HAMILTON EQUITY GROUP, LLC**  
**V**  
**HECTOR A. MARICHAL, P.C.**

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 14, 2018. The order denied the motion of defendants Hector A. Marichal, P.C., and Hector A. Marichal for renewal and granted the cross motion of plaintiff for summary judgment against said defendants.

CHARLES ZOLOT for HECTOR A. MARICHAL, P.C. 15 minutes

ADAM M. BRASKY for HAMILTON EQUITY GROUP, LLC 10 minutes

639.0  
CA 19-00036

**KAREN L. BATTAGLIA**  
**V**  
**MDC CONCOURSE CENTER, LLC**

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered June 26, 2018. The order denied the motion of defendants MDC Concourse Center, LLC, McGuire Development Company, LLC, and McGuire Management Company, LLC, for summary judgment and for conditional indemnification and granted the motion of defendant R.D. Trucking & Transportation, Inc., for summary judgment and dismissed the complaint against said defendant.

JOSEPH GEORGE GOERGEN for MDC CONCOURSE CENTER, LLC 10 minutes

KEVIN LOFTUS for R.D. TRUCKING & TRANSPORTATION, INC 10 minutes

JOHN A. COLLINS for KAREN L. BATTAGLIA 10 minutes

642.0  
CA 18-02148

**JAMES M. ALLYN**  
**V**  
**FIRST CLASS SIDING, INC.**

Appeal from an order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered April 27, 2018. The order denied the motion of plaintiff for summary judgment, granted the motion of defendants for summary judgment and dismissed the complaint.

MATTHEW C. GALGIARDO for JAMES M. ALLYN

15 minutes

BRYAN J. MAGGS for FIRST CLASS SIDING, INC.

15 minutes

642.1  
KA 14-00320

PEOPLE

V

JAVON BOYD

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered June 25, 2013. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree (three counts), rape in the first degree, strangulation in the second degree, criminal obstruction of breathing (two counts) and assault in the third degree.

DONALD R. GERACE for JAVON BOYD

10 minutes

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes