

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: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

MOTION NO. (484/97) KA 04-00304. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EARL STONE, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND VALENTINO, JJ. (Filed May 1, 2015.)

MOTION NO. (1400/98) KA 14-02272. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JESSE HAMMOCK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, CARNI, AND DEJOSEPH. (Filed May 1, 2015.)

MOTION NO. (886/06) KA 04-00629. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM J. COKE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND WHALEN, JJ. (Filed May 1, 2015.)

MOTION NO. (738/07) KA 03-00814. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT A. GRIFFIN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**MOTION NO. (608/08) KA 05-01153. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V PRESTON BOYD, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed May 1, 2015.)

**MOTION NO. (9/09) KA 07-01853. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TERRENCE SLATER, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**MOTION NO. (129/09) KA 06-01046. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KIM M. WILSON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**MOTION NO. (1374/11) KA 09-00310. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM MORRISON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis granted. Memorandum: Defendant contends that he was denied effective assistance of appellate counsel because counsel failed to raise an issue on direct appeal, specifically, whether the court erred when it failed to comply with CPL 310.30 in regard to Court Exhibit Nos. 8 and 9. Upon our review of the motion papers, we conclude that the issue may have merit. The order of December 23, 2011 is vacated and this Court will consider the appeal de novo (*see People v LeFrois*, 151 AD2d 1046).

Defendant is directed to file and serve his records and briefs with this Court on or before July 30, 2015. PRESENT: SCUDDER, P.J., SMITH, CENTRA, CARNI, AND LINDLEY, JJ. (Filed May 1, 2015.)

MOTION NO. (1271/12) CA 12-00731. -- IN THE MATTER OF THE ESTATE OF PERCY PERRY, DECEASED. REV. BARNEY B. PERRY, SR., PETITIONER-APPELLANT; TRACEE MEGNA, EXECUTRIX OF THE ESTATE OF PERCY PERRY, DECEASED, RESPONDENT-RESPONDENT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND WHALEN, JJ. (Filed May 1, 2015.)

MOTION NO. (852/13) KA 11-00684. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ADAM THEALL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ. (Filed May 1, 2015.)

MOTION NO. (1050/14) KA 11-00299. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM J. MILLER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

MOTION NO. (1232/14) CA 13-02197. -- IN THE MATTER OF ADIRONDACK HEALTH-UIHLEIN LIVING CENTER, ET AL., PETITIONERS-PLAINTIFFS-RESPONDENTS, V NIRAV R. SHAH, M.D., COMMISSIONER OF HEALTH, STATE OF NEW YORK, ROBERT L.

**MEGNA, AS DIRECTOR OF BUDGET, AND ANDREW M. CUOMO, GOVERNOR, STATE OF NEW YORK, RESPONDENTS-DEFENDANTS-APPELLANTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, SCONIERS, AND VALENTINO, JJ. (Filed May 1, 2015.)

**MOTION NO. (1306/14) TP 14-00907. -- IN THE MATTER OF SHAWN GREEN, PETITIONER, V THOMAS J. STICHT, ACTING SUPERINTENDENT, WENDE CORRECTIONAL FACILITY, RESPONDENT.** -- Motion for reargument, resettlement, clarification or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed May 1, 2015.)

**MOTION NO. (1344/14) CA 14-00367. -- IN THE MATTER OF ADIRONDACK HEALTH-UIHLEIN LIVING CENTER, ET AL., PETITIONERS-PLAINTIFFS-RESPONDENTS, V NIRAV R. SHAH, M.D., COMMISSIONER OF HEALTH, STATE OF NEW YORK, ROBERT L. MEGNA, DIRECTOR OF BUDGET, AND ANDREW M. CUOMO, GOVERNOR, STATE OF NEW YORK, RESPONDENTS-DEFENDANTS-APPELLANTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**MOTION NO. (1363/14) CA 14-00842. -- TAKISHA MOYE, PLAINTIFF-APPELLANT, V JOEL A. GIAMBRA AND MICHELLE M. GIAMBRA, DEFENDANTS-RESPONDENTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND DEJOSEPH, JJ. (Filed May 1,

2015.)

MOTION NO. (1391/14) CA 14-00871. -- IN THE MATTER OF MARGUERITE MITCHELL, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF JOHN K. MITCHELL, DECEASED, PLAINTIFF-APPELLANT-RESPONDENT, V NRG ENERGY, INC. AND DUNKIRK POWER LLC, DEFENDANTS-RESPONDENTS-APPELLANTS. -- Motion and cross motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed May 1, 2015.)

MOTION NO. (1421/14) CA 13-02000. -- DAVID H. KERNAN, KATHARINE H. KERNAN, EDWARD W. KERNAN, WILLIAM KERNAN, JR., ANGELA K. WISLER AND WARNICK J. KERNAN, PLAINTIFFS-RESPONDENTS, V TRAJANKA WILLIAMS, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for reargument, reconsideration or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

MOTION NO. (1422/14) CA 13-02001. -- DAVID H. KERNAN, KATHARINE H. KERNAN, EDWARD W. KERNAN, WILLIAM KERNAN, JR., ANGELA K. WISLER AND WARNICK J. KERNAN, PLAINTIFFS-RESPONDENTS, V TRAJANKA WILLIAMS, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument, reconsideration or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

MOTION NO. (1439/14) CA 14-00538. -- IN THE MATTER OF OBI IFEDIGBO,  
PETITIONER-APPELLANT, V BUFFALO PUBLIC SCHOOLS, RESPONDENT-RESPONDENT. --  
Motion for reargument or leave to appeal to the Court of Appeals denied.  
PRESENT: SCUDDER, P.J., CENTRA, CARNI, AND SCONIERS, JJ. (Filed May 1,  
2015.)

MOTION NO. (43/15) CA 14-00318. -- IN THE MATTER OF COLONIAL SURETY  
COMPANY, PETITIONER-APPELLANT, V LAKEVIEW ADVISORS, LLC, ET AL.,  
RESPONDENTS, RESOLUTION MANAGEMENT, LLC, NEAVERTH ENTERPRISES, LLC, ARENA  
DEVELOPMENT, LLC AND ROBERT J. GOODYEAR, RESPONDENTS-RESPONDENTS.  
(PROCEEDING NO. 1.) IN THE MATTER OF COLONIAL SURETY COMPANY,  
PETITIONER-APPELLANT, V LAKEVIEW ADVISORS, LLC, ET AL., RESPONDENTS,  
RESOLUTION MANAGEMENT, LLC, NEAVERTH ENTERPRISES, LLC, ARENA DEVELOPMENT,  
LLC AND ROBERT J. GOODYEAR, RESPONDENTS-RESPONDENTS. (PROCEEDING NO. 2.)  
(APPEAL NO. 1.) -- Motion for reargument or leave to Appeal to the Court of  
Appeals denied. PRESENT: SMITH, J.P., CARNI, VALENTINO, AND WHALEN, JJ.  
(Filed May 1, 2015.)

MOTION NO. (48/15) CA 14-01009. -- RYAN M. FORRESTEL, PLAINTIFF-RESPONDENT,  
V MARGUERITA M. FORRESTEL, DEFENDANT-APPELLANT. -- Motion for reargument  
or reconsideration denied. PRESENT: SMITH, J.P., CARNI, VALENTINO, AND  
WHALEN, JJ. (Filed May 1, 2015.)

MOTION NO. (61/15) CA 14-00963. -- MARGARET PASSUCCI, AS ADMINISTRATRIX OF THE ESTATE OF LUCILLE FIERLE, DECEASED, PLAINTIFF-RESPONDENT-APPELLANT, V ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ALLEGANY, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT AURORA PARK, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT DUNKIRK, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT EDEN, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ENDICOTT, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT GASPORT, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT HOUGHTON, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT ORCHARD PARK, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT SALAMANCA, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT THREE RIVERS, LLC, ABSOLUT CENTER FOR NURSING AND REHABILITATION AT WESTFIELD, LLC, ABSOLUT FACILITIES MANAGEMENT, LLC, ISRAEL SHERMAN, AND JOHN DOES 1-200, DEFENDANTS-APPELLANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND WHALEN, JJ. (Filed May 1, 2015.)

MOTION NO. (148/15) TP 14-01377. -- IN THE MATTER OF SHAWN GREEN, PETITIONER, V HAROLD D. GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY, RESPONDENT. -- Motion for reargument, resettlement, clarification or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND VALENTINO, JJ. (Filed May 1, 2015.)

**MOTION NO. (212/15) CAF 13-02243. -- IN THE MATTER OF RICARDO SUAREZ AND LAURA SUAREZ, PETITIONERS-RESPONDENTS, V MELISSA WILLIAMS, RESPONDENT-APPELLANT, AND ERNESTO SUAREZ, RESPONDENT-RESPONDENT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, SCONIERS, AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**CAF 14-00686. -- IN THE MATTER OF HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES, ON BEHALF OF COLLEEN G. GROOM, PETITIONER-RESPONDENT, V EDWARD R. MCGRADY, RESPONDENT-APPELLANT.** -- Appeal dismissed without costs (*see Matter of DeLong v Bristol*, 117 AD3d 1566, *lv denied* 24 NY3d 909). Counsel's motion to be relieved of assignment granted. (Appeal from Order of Family Court, Herkimer County, John J. Brennan, J. - Willful Violation). PRESENT: SCUDDER, P.J., SMITH, SCONIERS, WHALEN AND DEJOSEPH, JJ. (Filed May 1, 2015.)

**KA 14-00408. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT HAIGLER, 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 upon his guilty plea of promoting prison contraband in the second degree (Penal Law § 205.20 [2]). Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38). We conclude that there is a nonfrivolous issue concerning whether the record contained sufficient evidence of guilt to support an *Alford* plea. We

therefore 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 Wyoming County Court, Mark H. Dadd, J. - Promoting Prison Contraband, 2nd degree). PRESENT: SCUDDER, P.J., SMITH, SCONIERS, WHALEN, AND DEJOSEPH, JJ. (Filed May 1, 2015.)