

MOTION NO. (1107/82) KA 15-00885. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LARRY WILLIAMS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, SCONIERS, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

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 reconsideration denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (860/01) KA 00-00075. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARIO WOODS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ. (Filed July 2, 2015.)

MOTION NO. (324/04) KA 03-00717. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON G. HOLMQUIST, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND WHALEN, JJ. (Filed July 2, 2015.)

MOTION NO. (1403/04) KA 02-00984. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICKY ORTA, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, LINDLEY, SCONIERS, AND WHALEN, JJ. (Filed July 2, 2015.)

MOTION NO. (1008/08) KA 04-02863. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHARLES E. HATHAWAY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, SCONIERS, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (562/14) KA 12-00893. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LARRY WILLIAMS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, SCONIERS, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (126/15) CA 14-01142. -- CHRISTOPHER HAMILTON, PLAINTIFF-APPELLANT, V JOHN MILLER, DAVID MILLER, JULES MUSINGER, DOUG MUSINGER AND SINGER ASSOCIATES, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (128/15) CA 14-01268. -- LAURIE JACOBI, PLAINTIFF-APPELLANT, V JENNIE DENI AND FRANK DENI, DEFENDANTS-RESPONDENTS. -- Motion for leave to

appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NO. (200.2/15) CA 14-01356. -- AINSWORTH M. BENNETT, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF VIRGINIA R. BENNETT, DECEASED, PLAINTIFF-APPELLANT, V ST. JOHN'S HOME AND ST. JOHN'S HEALTH CARE CORPORATION, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) -- Motion for reargument denied. Leave to appeal to the Court of Appeals granted. PRESENT: PERADOTTO, J.P., CARNI, SCONIERS, WHALEN, AND DEJOSEPH, JJ. (Filed July 2, 2015.)

MOTION NOS. (438-439/15) KA 14-01022. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A.C., DEFENDANT-APPELLANT (APPEAL NO. 1.) KA 14-01023. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A.C., DEFENDANT-APPELLANT (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

MOTION NO. (603/15) CA 14-01999. -- RICH PRODUCTS CORPORATION, PLAINTIFF-APPELLANT-RESPONDENT, V KENYON & KENYON, LLP, DEFENDANT-RESPONDENT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, SCONIERS, AND VALENTINO, JJ. (Filed July 2, 2015.)

KA 14-00833. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERQUAN M. MORANGE, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed.

Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from a Judgment of the Niagara County Court, Sara S. Farkas, J. - Attempted Robbery, 2nd Degree).

PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

KA 13-01991. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN E. SABINS, 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 criminal possession of a forged instrument in the second degree (Penal Law § 170.25). 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 as to whether defendant's plea was knowing, voluntary and intelligent, concerning whether defendant was advised of the direct consequences of his plea (*see generally People v Jones*, 118 AD3d 1360, 1361). 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 a Judgment of the Steuben County Court, Joseph W. Latham, J. - Criminal Possession of a Forged Instrument, 2nd Degree). PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

KA 13-01992. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN E. SABINS, 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 criminal possession of a forged instrument in the second degree (Penal Law § 170.25). 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 as to whether defendant's plea was knowing, voluntary and intelligent, concerning whether defendant was advised of the direct consequences of his plea (*see generally People v Jones*, 118 AD3d 1360, 1361). 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 a Judgment of the Steuben County Court, Joseph W. Latham, J. - Criminal Possession of a Forged Instrument, 2nd Degree). PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

KA 13-01993. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN E. SABINS, 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 robbery in the third degree (Penal Law § 160.05). 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 as to whether defendant's plea was knowing, voluntary and intelligent, concerning whether defendant was advised of the direct consequences of his plea (*see generally People v Jones*, 118 AD3d 1360, 1361), and whether the written plea agreement called for consecutive sentencing in relation to another sentence imposed at the same time, as stated during the plea proceedings and at sentencing. 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 a Judgment of the Steuben County Court, Joseph W. Latham, J. - Robbery, 3rd Degree). PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

KA 13-01994. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN E. SABINS, 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 criminal possession of a forged instrument in the second degree (Penal Law § 170.25). 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 as to whether defendant's plea was knowing, voluntary and intelligent, concerning whether defendant was advised of the direct consequences of his plea (*see generally People v Jones*, 118 AD3d 1360, 1361). 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 a Judgment of the Steuben County Court, Joseph W. Latham, J. - Criminal Possession of a Forged Instrument, 2nd Degree). PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)

KA 14-01384. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL J. WILLIAMS, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from a Judgment of the Wyoming County Court, Michael M. Mohun, J. - Aggravated Harassment of Employee by Inmate). PRESENT: SCUDDER, P.J., CARNI, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed July 2, 2015.)