

MOTION NO. (750/01) KA 00-00093. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSEPH LEE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (286/02) KA 97-05362. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL SPIRLES, DEFENDANT-APPELLANT. -- Motions for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND DEJOSEPH, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1301/08) KA 07-00148. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY L. KING, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1363/08) KA 06-00778. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICARDO ROSADO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (247/11) KA 99-02223. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY SHERROD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (710/12) CAF 10-01623. -- IN THE MATTER OF CHRISTOPHER A.

NICHOLSON, PETITIONER-APPELLANT, V DONNA M. NICHOLSON,

RESPONDENT-RESPONDENT. -- Motion for writ of error coram nobis denied.

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (796/12) KA 11-00972. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V MIGUEL A. JARAMILLO, DEFENDANT-APPELLANT. -- Motion for writ

of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI,

LINDLEY, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

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, CARNI,

AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1368/13) KA 12-00763. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V DONALD HUGHES, DEFENDANT-APPELLANT. -- Motion for writ of

error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, AND

SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1105/14) KA 13-00035. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V JORDAN J. ELLISON, 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 trial court abused its discretion in finding defendant a persistent felony offender. Upon our review of the motion papers, we conclude that the issue may have merit. The order of January 2, 2015 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 May 5, 2016. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1126/14) KA 12-01690. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TYREEK WILLIAMS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (286/15) CA 14-01113. -- ALTSHULER SHAHAM PROVIDENT FUNDS, LTD., PLAINTIFF-APPELLANT, V GML TOWER LLC, ET AL., DEFENDANTS, THE PIKE COMPANY, INC., L.A. PAINTING, INC., THE HAYNER HOYT CORPORATION, SYRACUSE MERIT ELECTRIC, A DIVISION OF O'CONNELL ELECTRIC CO., INC., AND TAG MECHANICAL SYSTEMS, INC., DEFENDANTS-RESPONDENTS. SYMPHONY TOWER LLC, RESPONDENT. -- Motion for this Court to withdraw its June 12, 2015 memorandum and order denied. PRESENT: WHALEN, P.J., LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (723/15) CAF 13-02102. -- IN THE MATTER OF ALEXANDER S. STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; DAVID S. AND ALECIA P., RESPONDENTS-APPELLANTS. -- Motion to vacate order entered July 2, 2015 denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (971/15) KA 12-00287. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES A. GHENT, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis and for other relief denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Feb. 5, 2016.)

MOTION NOS. (1159/15 AND 534-535/11) KA 12-01818. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DOUGLAS B. WORTH, DEFENDANT-APPELLANT. KA 06-00414. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DOUGLAS WORTH, DEFENDANT-APPELLANT. KA 09-01449. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DOUGLAS WORTH, DEFENDANT-APPELLANT. -- Motion for reargument and for other relief denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, DEJOSEPH, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1195/15) CA 15-00532. -- JANICE A. MCDONELL AND WILLIAM J. MCDONELL, JR., PLAINTIFFS-RESPONDENTS, V WAL-MART STORES, INC., WAL-MART STORES EAST, LP, WAL-MART REAL ESTATE BUSINESS TRUST AND WALMART REALTY COMPANY, DEFENDANTS-APPELLANTS. -- Motion for leave to appeal to the Court

of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND LINDLEY, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1234/15) CAF 14-00685. -- IN THE MATTER OF JAMES E. DONOHUE, PETITIONER-APPELLANT, V TANYA M. DONOHUE, RESPONDENT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Feb. 5, 2016.)

MOTION NO. (1260/15) CA 15-00326. -- DEBRA L. SHERMAN, PLAINTIFF-APPELLANT, V STEVE J. HEROD, DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P, PERADOTTO, LINDLEY, AND SCUDDER, JJ. (Filed Feb. 5, 2016.)