

MOTION NO. (935/87) KA 14-01601. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICHARD LYON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND TROUTMAN, JJ. (Filed June 10, 2016.)

MOTION NO. (1576/90) KA 90-01576. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HARRY AYRHART, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY, CURRAN, AND SCUDDER, JJ. (Filed June 10, 2016.)

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: SMITH, J.P., CENTRA, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (1518/91) KA 04-00648. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BARRY ARKIM, ALSO KNOWN AS ED MASON, DEFENDANT-APPELLANT. -- Motions for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (1713/04) KA 02-00981. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALVIN FULTON, JR., ALSO KNOWN AS SHAIK S., ALSO KNOWN AS SHAIKH S. ABDMUQTADIR, DEFENDANT-APPELLANT. -- Motion for reconsideration

denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (467/05) KA 02-00776. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TIMOTHY A. RIMMEN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (712/08) KA 06-00530. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER M. DIAZ, DEFENDANT-APPELLANT. -- Motion for reconsideration denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (136/10) KA 08-01696. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LONDARR WARD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (632/12) KA 10-01368. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD THOMAS, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, CARNI, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (18/16) CA 15-01144. -- LISA L. SLOCUM, PLAINTIFF-APPELLANT, V

PROGRESSIVE NORTHWESTERN INSURANCE COMPANY, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (40/16) CA 15-00499. -- **IN THE MATTER OF WILLIAM E. HAMILTON, PETITIONER-APPELLANT, V MARY ALLEY, JAMES FROIO, AND BOARD OF EDUCATION OF JORDAN-ELBRIDGE CENTRAL SCHOOL DISTRICT, RESPONDENTS-RESPONDENTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (71/16) KA 14-00338. -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SEANDELL KING, DEFENDANT-APPELLANT.** -- Motion for reargument and reconsideration denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND SCUDDER, JJ. (Filed June 10, 2016.)

MOTION NO. (183/16) CA 15-00500. -- **RUSSELL BAKER, PLAINTIFF-APPELLANT, V LOFINK MOTOR CO., INC., DEFENDANT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ. (Filed June 10, 2016.)

MOTION NO. (240/16) CA 14-01773. -- **WENDOVER FINANCIAL SERVICES, PLAINTIFF-APPELLANT, V JO-ANN RIDGEWAY, AS EXECUTRIX AND BENEFICIARY UNDER**

THE LAST WILL AND TESTAMENT OF AMELIA DONVITO, ALSO KNOWN AS AMELIA C. DONVITO, DECEASED, DEFENDANT-RESPONDENT, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, NEMOYER, AND CURRAN, JJ. (Filed June 10, 2016.)

MOTION NO. (277/16) CA 15-00759. -- SHARON JORDAN-PARKER AND CLARK PARKER, PLAINTIFFS-APPELLANTS, V CITY OF BUFFALO, ET AL., DEFENDANTS, AND DESTRO & BROTHERS CONCRETE COMPANY, INC., DEFENDANT-RESPONDENT. (APPEAL NO. 1.) -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, DEJOSEPH, AND TROUTMAN, JJ. (Filed June 10, 2016.)

MOTION NO. (278/16) CA 15-00760. -- SHARON JORDAN-PARKER AND CLARK PARKER, PLAINTIFFS-APPELLANTS, V CITY OF BUFFALO, ET AL., DEFENDANTS, AND DIDONATO ASSOCIATES, P.E., P.C., DEFENDANT-RESPONDENT. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, DEJOSEPH, AND TROUTMAN, JJ. (Filed June 10, 2016.)

MOTION NO. (279/16) CA 15-00761. -- SHARON JORDAN-PARKER AND CLARK PARKER, PLAINTIFFS-APPELLANTS, V CITY OF BUFFALO, DEFENDANT-RESPONDENT, ET AL., DEFENDANTS. (APPEAL NO. 3.) -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, CARNI, DEJOSEPH, AND TROUTMAN, JJ. (Filed June 10, 2016.)

**KA 14-00588. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V
LAVEEDA L. COLLINS, 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 her guilty plea of aggravated unlicensed operation of a motor vehicle in the first degree ([AUO] Vehicle and Traffic Law § 511 [3] [a] [i]), and driving while intoxicated ([DWI] § 1192 [3]).

County Court imposed a six-month term of imprisonment on the AUO count together with a \$500 fine, and a concurrent six-month term on the DWI count together with a \$500 fine and a one-year conditional discharge for purposes of the ignition interlock device requirement (see Vehicle and Traffic Law § 1193 [1] [b] [ii]). Defendant's assigned appellate counsel has moved to be relieved of the assignment on the ground that there are no nonfrivolous issues for appeal (see *People v Crawford*, 71 AD2d 38). Upon our review of the record, we conclude that a nonfrivolous issue exists as to whether the court erroneously imposed a more severe sentence than that bargained for if defendant was not successful on interim probation, without affording defendant the opportunity to withdraw her plea (see *People v Lafferty*, 60 AD3d 1318, 1318-1319; see generally *People v Carr*, 127 AD3d 1503, 1504). 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 Monroe County

Court, Vincent M. Dinolfo, J. - Aggravated Unlicensed Operation of a Motor Vehicle, 1st Degree). PRESENT: WHALEN, P.J., LINDLEY, NEMOYER, AND SCUDDER, JJ. (Filed June 10, 2016.)

KAH 14-01823. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. TERRELL TAYLOR, PETITIONER-APPELLANT, V S. DOLCE, SUPERINTENDENT OF ORLEANS CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38). (Appeal from a Judgment [denominated order] of Supreme Court, Orleans County, James P. Punch, A.J. - Habeas Corpus). PRESENT: WHALEN, P.J., LINDLEY, NEMOYER, AND SCUDDER, JJ. (Filed June 10, 2016.)