

MOTION NO. (475/83) KA 17-00807. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LARRY KEVIN RENDELL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND DEJOSEPH, JJ. (Filed June 9, 2017.)

MOTION NO. (1168/89) KA 17-00476. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NEWNON A. FLAX, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND SCUDDER, JJ. (Filed June 9, 2017.)

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 9, 2017.)

MOTION NO. (1683/00) KA 99-05091. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TOMAS LEWIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CURRAN, TROUTMAN, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (539/05) KA 02-02566. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT JAMES COLVIN, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., PERADOTTO,

NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed June 9, 2017.)

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 CURRAN, JJ. (Filed June 9, 2017.)

MOTION NO. (1325/12) KA 11-01166. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KASIEM WILLIAMS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (921/13) KA 09-02629. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARK WOODWORTH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (540/14) KA 12-01248. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A. ROSS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, LINDLEY, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (933/14) KA 12-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLARENCE E. SCARVER, ALSO KNOWN AS "C", DEFENDANT-APPELLANT.

-- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (41/17) CA 16-01215. -- TIMOTHY TAGGART, PLAINTIFF-RESPONDENT, V MARGARET FANDEL AND JOHN FANDEL, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., DEJOSEPH, NEMOYER, TROUTMAN, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (131/17) KA 10-00287. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANK GARCIA, DEFENDANT-APPELLANT. -- Motion for reargument and reconsideration denied. PRESENT: CENTRA, J.P., PERADOTTO, CURRAN, TROUTMAN, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (142/17) CA 16-00031. -- IN THE MATTER OF EASTBROOKE CONDOMINIUM BY ITS BOARD OF MANAGERS ON BEHALF OF ALL HOMEOWNERS AND BRIGHTON EASTBROOKE HOMEOWNERS, PETITIONER-APPELLANT, V ELAINE AINSWORTH, ASSESSOR, AND BOARD OF ASSESSMENT REVIEW OF TOWN OF BRIGHTON, RESPONDENTS-RESPONDENTS. FOR REVIEW OF A TAX ASSESSMENT UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW (PROCEEDING NO. 1.) -- IN THE MATTER OF EASTBROOKE CONDOMINIUM BY ITS BOARD OF MANAGERS ON BEHALF OF ALL UNIT OWNERS, PETITIONER-APPELLANT, V ELAINE AINSWORTH, ASSESSOR, AND BOARD OF ASSESSMENT REVIEW OF TOWN OF BRIGHTON, RESPONDENTS-RESPONDENTS. FOR REVIEW

OF A TAX ASSESSMENT UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
(PROCEEDING NO. 2.) -- IN THE MATTER OF EASTBROOKE CONDOMINIUM BY ITS BOARD
OF MANAGERS ON BEHALF OF ALL UNIT OWNERS, PETITIONER-APPELLANT, V TOWN OF
BRIGHTON BOARD OF ASSESSMENT REVIEW, ASSESSOR OF TOWN OF BRIGHTON AND TOWN
OF BRIGHTON, RESPONDENTS-RESPONDENTS. FOR REVIEW OF A TAX ASSESSMENT UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW (PROCEEDING NO. 3.) (APPEAL NO.
1.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT:
CENTRA, J.P., PERADOTTO, CURRAN, TROUTMAN, AND SCUDDER, JJ. (Filed June 9,
2017.)

MOTION NO. (164/17) CA 16-00079. -- ACEA MOSEY, AS ADMINISTRATOR OF THE
ESTATE OF LAURA CUMMINGS, DECEASED, PLAINTIFF-APPELLANT, V COUNTY OF ERIE,
DEFENDANT-RESPONDENT. (APPEAL NO. 1.) -- Motion for reargument or leave to
appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI,
LINDLEY, DEJOSEPH, AND NEMOYER, JJ. (Filed June 9, 2017.)

MOTION NO. (209/17) CA 16-00194. -- DIPIZIO CONSTRUCTION COMPANY, INC.,
PLAINTIFF-APPELLANT, AND TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,
PLAINTIFF-RESPONDENT, V ERIE CANAL HARBOR DEVELOPMENT CORPORATION,
DEFENDANT-RESPONDENT. (ACTION NO. 1.) -- DIPIZIO CONSTRUCTION COMPANY,
INC., PLAINTIFF-APPELLANT, AND TRAVELERS CASUALTY AND SURETY COMPANY OF
AMERICA, PLAINTIFF-RESPONDENT, V ERIE CANAL HARBOR DEVELOPMENT CORPORATION,
DEFENDANT-RESPONDENT. (ACTION NO. 2.) -- DIPIZIO CONSTRUCTION COMPANY,

INC., PLAINTIFF-APPELLANT, V NEW YORK STATE URBAN DEVELOPMENT CORPORATION,
DOING BUSINESS AS EMPIRE STATE DEVELOPMENT, ERIE CANAL HARBOR DEVELOPMENT
CORPORATION, SAM HOYT, THOMAS DEE AND MARK E. SMITH,
DEFENDANTS-RESPONDENTS. (ACTION NO. 3.) -- Motion for leave to appeal to
the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY,
CURRAN, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (278/17) CA 16-01325. -- EUGENE MARGERUM, JOSEPH FAHEY, TIMOTHY
HAZELET, PETER KERTZIE, PETER LOTOCKI, SCOTT SKINNER, THOMAS REDDINGTON,
TIMOTHY CASSEL, MATTHEW S. OSINSKI, MARK ABAD, BRAD ARNONE, DAVID DENZ,
PLAINTIFFS-RESPONDENTS, ET AL., PLAINTIFF, V CITY OF BUFFALO, CITY OF
BUFFALO DEPARTMENT OF FIRE, DEFENDANTS-APPELLANTS, AND LEONARD MATARESE,
INDIVIDUALLY AND AS COMMISSIONER OF HUMAN RESOURCES FOR CITY OF BUFFALO,
DEFENDANT. -- Motion for reargument or leave to appeal to the Court of
Appeals denied. PRESENT: PERADOTTO, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND
TROUTMAN, JJ. (Filed June 9, 2017.)

MOTION NO. (368/17) CA 16-00415. -- RONALD L. HAWES, PLAINTIFF-APPELLANT, V
TODD DELMAR, INDIVIDUALLY AND AS AN EMPLOYEE OF OSWEGO COUNTY, I.E. OSWEGO
COUNTY SHERIFF'S DEPARTMENT, OSWEGO COUNTY SHERIFF'S DEPARTMENT AND COUNTY
OF OSWEGO, DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the
Court of Appeals denied. PRESENT: PERADOTTO, J.P., DEJOSEPH, CURRAN, AND
SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (390/17) CA 16-01345. -- THOMAS P. JOUSMA AND ELLENE PHUFAS-JOUSMA, PLAINTIFFS-RESPONDENTS, V DR. VENKATESWARA R. KOLLI AND KALEIDA HEALTH, DOING BUSINESS AS DEGRAFF MEMORIAL HOSPITAL, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND SCUDDER, JJ. (Filed June 9, 2017.)

MOTION NO. (432/17) CA 16-01070. -- DARELYN CLAUSE, AS ADMINISTRATRIX OF THE ESTATE OF KYLE C. ATKINS, DECEASED, PLAINTIFF-APPELLANT, V ERIE COUNTY MEDICAL CENTER, ET AL., DEFENDANTS, WILLIAM J. FLYNN, JR., M.D. AND JAMES K. FARRY, M.D., DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed June 9, 2017.)

KA 13-00463. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RAYMOND M. STEED, ALSO KNOWN AS JOHN DOE, DEFENDANT-APPELLANT. -- Motion to dismiss granted. Memorandum: The matter is remitted to Monroe County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (*see People v Matteson*, 75 NY2d 745). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed June 9, 2017.)

KA 16-01084. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MANUEL L. VALDEZ, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38). (Appeal from a Judgment of the Oswego County Court, Donald E. Todd, J. - Burglary, 3rd Degree). PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND SCUDDER, JJ. (Filed June 9, 2017.)