

MOTION NO. (599/10) KA 08-02462. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLARENCE R. BROWN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1155/12) KA 10-00517. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANK GARCIA, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CURRAN, AND TROUTMAN, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (499/14) KA 12-01267. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ARMANDO R. TORRES, ALSO KNOWN AS "MONDO," DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, LINDLEY, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (486/16) KA 13-00290. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HECTOR FUENTES, DEFENDANT-APPELLANT. -- Motion for reargument dismissed as untimely. PRESENT: SMITH, J.P., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (984.1/17) CA 17-00545. -- IN THE MATTER OF DAVID SCHNEITER AND RACHEL SCHNEITER, PETITIONERS-RESPONDENTS, V NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, RESPONDENT, AND ERIE COUNTY DEPARTMENT OF

SOCIAL SERVICES, RESPONDENT-APPELLANT. -- Motions for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., DEJOSEPH, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1026/17) CA 17-00114. -- **HENRY J. WATERMAN, JR., PLAINTIFF-RESPONDENT, V CITY OF ROCHESTER AND DAVID J. BAGLEY, II, DEFENDANTS-APPELLANTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1031/17) CA 17-00351. -- **IN THE MATTER OF ARBITRATION BETWEEN TOWN OF GREECE, PETITIONER-APPELLANT, AND CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 828, AFSCME, AFL-CIO, RESPONDENT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1038/17) KA 14-02227. -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CRAIG DAVIS, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1083/17) KA 15-01059. -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JESSICA N. COURTEAU, DEFENDANT-APPELLANT.** -- Motion for

reargument denied. PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1122/17) KA 13-00446. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAHARI JONES, DEFENDANT-APPELLANT. -- Motion for reargument be and the same hereby is granted to the extent that, upon reargument, the memorandum and order entered November 9, 2017 (___ AD3d ___) is amended by deleting the fourth sentence of the fourth paragraph of the memorandum and substituting in place thereof "A firearms examiner testified that the weapon was test-fired with the ammunition found in it, and thus the evidence, viewed in the light most favorable to the People (*see People v Contes*, 60 NY2d 620, 621 [1983]), is legally sufficient to support the conviction with respect to the January weapon count (*see generally People v Bleakley*, 69 NY2d 490, 495 [1987])." PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

MOTION NO. (1125/17) KA 15-00021. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DERRICK TROTMAN, DEFENDANT-APPELLANT. -- Motion for reargument and reconsideration denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

KAH 16-01631. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. WALTER GRANT, PETITIONER-APPELLANT, V PAUL M. GONYEA, SUPERINTENDENT OF MOHAWK CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT. -- Judgment unanimously

affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [4th Dept 1979]). (Appeal from Judgment of Supreme Court, Oneida County, Bernadette T. Clark, J. - Habeas Corpus).
PRESENT: WHALEN, P.J., SMITH, CARNI, TROUTMAN, AND WINSLOW, JJ. (Filed Dec. 22, 2017.)

TAG MECHANICAL SYSTEMS, INC., PLAINTIFF-RESPONDENT, V DWORKIN CONSTRUCTION CORP. (USA), DEFENDANT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY AND NEMOYER, JJ. (Filed Dec. 22, 2017.)