

MOTION NO. (1277/97) KA 10-00320. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL HILL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND BANNISTER, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (1230/99) KA 98-05449. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EMMANUEL JOHNSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY, TROUTMAN, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (574/01) KA 99-05272. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSHUA KEPPEL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, TROUTMAN, AND BANNISTER, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (1648/06) KA 04-02967. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLEOTIS MERCER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (608/08) KA 05-01153. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V PRESTON BOYD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (93/14) KA 10-01029. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V DEVON L. DAVIS, DEFENDANT-APPELLANT. -- Motion for writ of
error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI,
LINDLEY, AND CURRAN, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (1096/18) KA 16-00316. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V KEVIN KING, DEFENDANT-APPELLANT. -- Motion for writ of error
coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, WINSLOW, AND
DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (312/19) KA 16-01481. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V ANTONE HERROD, ALSO KNOWN AS TONE, DEFENDANT-APPELLANT. --
Motion for writ of error coram nobis denied. PRESENT: PERADOTTO, J.P.,
LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (670/19) KA 17-00691. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V JAMES PARTRIDGE, DEFENDANT-APPELLANT. -- Motion for writ of
error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER,
CURRAN, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (114/20) CA 19-00339. -- IN THE MATTER OF CORNELL UNIVERSITY,
PETITIONER-RESPONDENT, V BOARD OF ASSESSMENT REVIEW AND SHANA JO HILTON, AS
ASSESSOR OF TOWN OF SENECA, RESPONDENTS-APPELLANTS. - Motion for

reargument, or in the alternative, leave to appeal to the Court of Appeals, be and the same hereby is granted to the extent that, upon reargument, the memorandum and order entered August 20, 2020 (186 AD3d 990 [4th Dept 2020]) is amended by deleting the ordering paragraph and substituting the following ordering paragraph:

It is hereby ORDERED that the judgment and order so appealed from is unanimously reversed on the law without costs, the petition dated July 14, 2016 is dismissed, and the petitions dated July 28, 2017 and July 27, 2018 are dismissed except insofar as they allege that the tax assessments challenged therein are excessive.

The motion insofar as it sought leave to appeal to the Court of Appeals is denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NOS. (140-141/20) CA 19-01640. -- IVES HILL COUNTRY CLUB, INC., AND PRIME, LLC., PLAINTIFFS-APPELLANTS, V CITY OF WATERTOWN, JOSEPH BUTLER, JR., IN HIS OFFICIAL CAPACITY AS MAYOR, RYAN J. HENRY-WILKINSON, CODY J. HORBACZ, LISA A. L'HUILLIER RUGGIERO AND MARK C. WALCZYK, IN THEIR OFFICIAL CAPACITIES AS COUNCIL MEMBERS, CITY COUNCIL, RICHARD FINN, IN HIS OFFICIAL CAPACITY AS CITY MANAGER, AND WATERTOWN GOLF CLUB, INCORPORATED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 1.) CA 19-01642. -- IVES HILL COUNTRY CLUB, INC., AND PRIME, LLC., PLAINTIFFS-APPELLANTS, V CITY OF WATERTOWN, JOSEPH BUTLER, JR., IN HIS OFFICIAL CAPACITY AS MAYOR, RYAN J. HENRY-WILKINSON, CODY J. HORBACZ, LISA A. L'HUILLIER RUGGIERO AND MARK C. WALCZYK, IN THEIR OFFICIAL CAPACITIES AS COUNCIL MEMBERS, CITY COUNCIL,

RICHARD FINN, IN HIS OFFICIAL CAPACITY AS CITY MANAGER, AND WATERTOWN GOLF CLUB, INCORPORATED, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (274/20) CA 19-00260. -- IN THE MATTER OF THE ARBITRATION BETWEEN NEW YORK SCHOOLS INSURANCE RECIPROCAL, PETITIONER-APPELLANT, AND DEBORAH KALBFLIESH, RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, TROUTMAN, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (373/20) CA 19-01578. -- BRIAN A. BERMELE, PLAINTIFF-RESPONDENT, V VITAL TECH DENTAL LABS, INC., DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 13, 2020.)

MOTION NO. (640/20) KA 18-01266. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DEVANTE SPENCER, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: PERADOTTO, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ. (Filed Nov. 13, 2020.)

KA 17-01620. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TONY L.

ROOTS, 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 a guilty plea of robbery in the second degree (Penal Law § 160.10 [1]), and was sentenced to a determinate term of imprisonment of seven years and five years of postrelease supervision. Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38 [4th Dept 1979]). However, a nonfrivolous issue exists as to whether defendant's waiver of the right to appeal was valid. Therefore, we 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 Judgment of Monroe County Court, Victoria M. Argento, J. - Robbery, 2nd Degree). PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ. (Filed Nov. 13, 2020.)