

**MOTION NO. (1896/89) KA 05-02532. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V KEVIN JOHNSON, DEFENDANT-APPELLANT. -- Motion for
writ of error coram nobis denied. PRESENT: GREEN, J.P., MARTOCHE, PINE,
LAWTON, AND HAYES, JJ. (Filed Dec. 22, 2005.)**

**MOTION NO. (1795/96) KA 05-01972. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V LEWIS WAYNE BOGUE, DEFENDANT-APPELLANT. -- Motion
for writ of error coram nobis denied. PRESENT: GREEN, J.P., HURLBUTT,
PINE, LAWTON, AND HAYES, JJ. (Filed Dec. 22, 2005.)**

**MOTION NO. (869/99) KA 98-08392. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V JABBARIS DOVE, DEFENDANT-APPELLANT. -- Motion for
writ of error coram nobis denied. PRESENT: HURLBUTT, J.P., PINE, LAWTON,
AND HAYES, JJ. (Filed Dec. 22, 2005.)**

**MOTION NO. (549/00) KA 98-02334. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V THOMAS PRATT, DEFENDANT-APPELLANT. -- Motion for
writ of error coram nobis denied. PRESENT: HURLBUTT, J.P., KEHOE, PINE,
AND LAWTON, JJ. (Filed Dec. 22, 2005.)**

**MOTION NO. (329/01) KA 98-05474. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V ISRAEL CASTRO, DEFENDANT-APPELLANT. -- Motion for**

writ of error coram nobis denied. PRESENT: SCUDDER, J.P., KEHOE, GORSKI, MARTOCHE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (750/01) KA 00-00093. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V JOSEPH LEE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: GREEN, J.P., HURLBUTT, KEHOE, AND PINE, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1037/01) KA 99-05439. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V TROY BULLOCK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: PIGOTT, JR., P.J., KEHOE, GORSKI, MARTOCHE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1754/01) KA 97-05120. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V DUAMEL G. SANTIAGO, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: GREEN, J.P., HURLBUTT, LAWTON, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1350/02) KA 00-00701. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V PATRICE SMITH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, J.P., KEHOE, PINE, LAWTON, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1415/02) KA 01-02409. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V SHAMGOD THOMPSON, DEFENDANT-APPELLANT. -- Motion
for writ of error coram nobis denied. PRESENT: PIGOTT, JR., P.J., GREEN,
GORSKI, PINE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NOS. (510-511/03) KA 01-00096. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V KASSIE VAN EVERY, ALSO KNOWN AS LEE KARY, ALSO
KNOWN AS ROCHELLE WILLIS, DEFENDANT-APPELLANT. (APPEAL NO. 1.)

KA 01-00097. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V
KASSIE VAN EVERY, ALSO KNOWN AS LEE KARY, ALSO KNOWN AS ROCHELLE WILLIS,
DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram
nobis denied. PRESENT: HURLBUTT, J.P., KEHOE, GORSKI, PINE, AND HAYES,
JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1117/03) KA 00-02226. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V EDWARD BROWN, DEFENDANT-APPELLANT. -- Motion for
writ of error coram nobis denied. PRESENT: HURLBUTT, J.P., KEHOE, LAWTON,
AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1660/03) KA 02-02509. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V SHONDELL BUTLER, DEFENDANT-APPELLANT. (APPEAL NO.
1.) -- Motion for writ of error coram nobis denied. PRESENT: HURLBUTT,
J.P., KEHOE, PINE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (553/04) KA 02-02657. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V MARK LENARD WILLIAMS, DEFENDANT-APPELLANT. --
Motion for writ of error coram nobis denied. PRESENT: PIGOTT, JR., P.J.,
GREEN, SCUDDER, AND GORSKI, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1130/04) KA 01-01450. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V ROMMEL LEWIS, DEFENDANT-APPELLANT. (APPEAL NO. 1.)
-- Motion for writ of error coram nobis denied. PRESENT: PIGOTT, JR.,
P.J., GREEN, HURLBUTT, KEHOE, AND MARTOCHE, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1464/04) KA 02-01341. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V ANDRE PARSONS, DEFENDANT-APPELLANT. (APPEAL NO.
1.) -- Motion for writ of error coram nobis denied. PRESENT: PIGOTT, JR.,
P.J., GREEN, KEHOE, GORSKI, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1670/04) KA 03-01671. -- PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF-RESPONDENT, V HENRY BENITEZ, DEFENDANT-APPELLANT. -- Motion for
writ of error coram nobis denied. PRESENT: HURLBUTT, J.P., SCUDDER,
GORSKI, PINE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (950/05) CA 04-02532. -- MATTER OF ROBERT P. MEEGAN, JR., AS
PRESIDENT OF BUFFALO POLICE BENEVOLENT ASSOCIATION, AND BUFFALO POLICE
BENEVOLENT ASSOCIATION, PETITIONERS-RESPONDENTS, V ANTHONY MASIELLO, AS

MAYOR OF CITY OF BUFFALO, CITY OF BUFFALO AND BUFFALO FISCAL STABILITY AUTHORITY, RESPONDENTS-APPELLANTS. -- Motion for reargument or, in the alternative, leave to appeal to the Court of Appeals denied. PRESENT: PIGOTT, JR., P.J., GREEN, HURLBUTT, KEHOE, AND PINE, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (969/05) CA 04-02347. -- TECHNOLOGY OUTSOURCE SOLUTIONS, LLC, PLAINTIFF-APPELLANT-RESPONDENT, V ENI TECHNOLOGY, INC., DEFENDANT-RESPONDENT-APPELLANT. -- Motion for reargument denied. PRESENT: PIGOTT, JR., P.J., HURLBUTT, GORSKI, PINE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1027/05) CA 04-02702. -- MATTER OF GANCO, INC., PETITIONER-APPELLANT, V CITY PLANNING BOARD OF CITY OF BUFFALO, COMMON COUNCIL OF CITY OF BUFFALO AND CAMBRIA CONTRACTING CORP., RESPONDENTS-RESPONDENTS. -- Motion for reargument or, in the alternative, leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, J.P., MARTOCHE, SMITH, PINE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1038/05) CA 05-00439. -- JEFFREY E. DAVIDSON, AS EXECUTOR OF THE ESTATE OF DONALD L. DAVIDSON, DECEASED, AND MARY COOPER DAVIDSON, PLAINTIFFS-APPELLANTS, V JOHN G. O'BRIEN, M.D., AND FAMILY PRACTICE ASSOCIATES, PLLC, FORMERLY KNOWN AS FAMILY PRACTICE ASSOCIATES OF SENECA MALL, DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of

Appeals denied. PRESENT: PIGOTT, JR., P.J., GORSKI, MARTOCHE, PINE, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1056/05) CA 04-01485. -- EARLEAN W. BOZEMAN, PLAINTIFF-APPELLANT, V JOANNE K. JAFFEY, DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PIGOTT, JR., P.J., GREEN, KEHOE, MARTOCHE, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NOS. (1059-1060/05) CA 05-00772. -- SCALISE INDUSTRIES, INC., PLAINTIFF-APPELLANT, V JEFFERY J. MURDOCK, INDIVIDUALLY, AND JEFFERY J. MURDOCK, DOING BUSINESS AS NORTHERN PROPELLERS, DEFENDANT-RESPONDENT. (APPEAL NO. 1.) CA 05-00787. -- SCALISE INDUSTRIES, INC., PLAINTIFF-APPELLANT, V JEFFERY J. MURDOCK, INDIVIDUALLY, AND JEFFERY J. MURDOCK, DOING BUSINESS AS NORTHERN PROPELLERS, DEFENDANT-RESPONDENT. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: PIGOTT, JR., P.J., GREEN, KEHOE, MARTOCHE, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1067/05) CAF 03-02291. -- MATTER OF ROBERT MC CULLOUGH, PETITIONER-APPELLANT, V BARBARA BROWN, RESPONDENT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PIGOTT, JR., P.J., GREEN, KEHOE, MARTOCHE, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NOS. (1112-1113/05) CA 04-02580. -- SCOTT PETERMAN, UPSTATE CITIZENS

FOR EQUALITY, INC., AND PERSONS AND ENTITIES SIMILARLY SITUATED,
PLAINTIFFS-RESPONDENTS, V GEORGE PATAKI, GOVERNOR OF STATE OF NEW YORK, NEW
YORK RACING AND WAGERING BOARD AND DIVISION OF STATE POLICE, DEFENDANTS-
RESPONDENTS. ONEIDA INDIAN NATION OF NEW YORK AND RAY HALBRITTER,
APPELLANTS. (APPEAL NO. 1.) CA 04-03078. -- SCOTT PETERMAN, UPSTATE
CITIZENS FOR EQUALITY, INC., AND PERSONS AND ENTITIES SIMILARLY SITUATED,
PLAINTIFFS-RESPONDENTS, V GEORGE PATAKI, GOVERNOR OF STATE OF NEW YORK, NEW
YORK RACING AND WAGERING BOARD AND DIVISION OF STATE POLICE, DEFENDANTS-
RESPONDENTS. ONEIDA INDIAN NATION OF NEW YORK AND RAY HALBRITTER,
APPELLANTS. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of
Appeals denied. PRESENT: PIGOTT, JR., P.J., GREEN, GORSKI, SMITH, AND
LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1114/05) CA 05-00797. -- MATTER OF NAZARETH HOME OF FRANCISCAN
SISTERS, ET AL., PETITIONERS-APPELLANTS, V ANTONIA C. NOVELLO, M.D.,
COMMISSIONER OF HEALTH OF STATE OF NEW YORK, AND CAROLE E. STONE, AS
DIRECTOR OF BUDGET OF STATE OF NEW YORK, OR THEIR SUCCESSORS, RESPONDENTS-
RESPONDENTS. -- Motion for reargument denied. Motion for leave to appeal
to the Court of Appeals granted. PRESENT: PIGOTT, JR., P.J., GREEN,
GORSKI, SMITH, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

MOTION NO. (1153/05) CA 05-00635. -- LENA C. TEDESCO, EXECUTRIX OF THE
ESTATE OF FRANK J. TEDESCO, DECEASED, AND INDIVIDUALLY AS THE SURVIVING

SPOUSE OF FRANK J. TEDESCO, PLAINTIFF-RESPONDENT, V A.P. GREEN INDUSTRIES, INC., ET AL., DEFENDANTS, AND INSULATION DISTRIBUTORS, INC., DEFENDANT-APPELLANT. INSULATION DISTRIBUTORS, INC., THIRD-PARTY PLAINTIFF-APPELLANT, V E.I. DU PONT DE NEMOURS AND COMPANY, THIRD-PARTY DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: GREEN, J.P., HURLBUTT, SCUDDER, GORSKI, AND LAWTON, JJ. (Filed Dec. 22, 2005.)

KA 04-01464. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V VERNON BARNES, JR., DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Erie County, Richard C. Kloch, Sr., J. - Obstructing Governmental Administration, 2nd Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 04-01614. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V JORGE L. BORIA, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Erie County, Joseph S. Forma, J. - Attempted Robbery, 2nd Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 05-01377. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V

DAVID K. BUTLER, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Ontario County Court, Craig J. Doran, J. - Robbery, 3rd Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 05-01378. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V DAVID K. BUTLER, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Ontario County Court, Craig J. Doran, J. - Assault, 2nd Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 03-01232. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V WILLIE J. HARRIS, JR., DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Monroe County, Francis A. Affronti, J. - Criminal Sale Controlled Substance, 3rd Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 04-02542. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V DARROW HOLMES, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v*

Crawford, 71 AD2d 38 [1979]). (Appeal from Judgment of Wyoming County Court, Mark H. Dadd, J. - Attempted Promoting Prison Contraband, 1st Degree). PIGOTT, JR., P.J., GREEN, KEHOE, GORSKI, AND SMITH, JJ. (Filed Dec. 22, 2005.)

KA 05-02370. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V ROY N. JOHNCOX, III, DEFENDANT-APPELLANT. -- Motion to proceed as a poor person dismissed as moot and appeal dismissed. Memorandum: Appeal unanimously dismissed and matter remitted to Wayne County Court to vacate the judgment of conviction and dismiss the indictment (see *People v Matteson*, 75 NY2d 745 [1989]). PRESENT: GREEN, J.P., SCUDDER, GORSKI, MARTOCHE, AND HAYES, JJ. (Filed Dec. 22, 2005.)

KA 03-01344. -- PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V LINTON C. ROBINSON, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: PIGOTT, JR., P.J., GREEN, HURLBUTT, AND PINE, JJ. (Filed Dec. 22, 2005.)