

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

In re Lenox Hill Apartments Inc.,  
Petitioner-Respondent,

-against-

M-3190  
Index No. 102049/16

New York State Division of Housing  
and Community Renewal,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 24, 2018 (Appeal No. 6679),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
Jody Govenar,  
Plaintiff-Respondent,

-against-

Brushstroke, BOJI doing business as  
Brushstroke,  
Defendant-Appellant,

M-3855  
Index No. 160114/13

-and-

Action Carting Environmental  
Services, Inc., et al.,  
Defendants-Respondents.

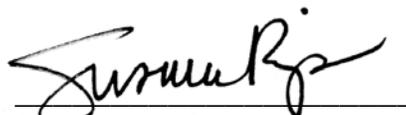
-----X

Defendant Action Carting Environmental Services, Inc. having moved for dismissal of the appeal taken by defendant-appellant Brushstroke, BOJI doing business as Brushstroke, from an order of the Supreme Court, New York County, entered on or about September 15, 2017, for failure to timely perfect,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from movant's counsel dated October 16, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
Ethan Rafii,

Plaintiff-Appellant,

-against-

Anthony Vega,

Defendant-Respondent.  
-----X

**M-3908**  
Index No. 155023/16

Plaintiff-appellant having moved for an enlargement of time to perfect his appeal taken from an order of the Supreme Court, New York County, entered on or about April 30, 2018,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2019 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----x  
Carmen Rivera, As Administratrix of

the Estate of Ernestina Rivera,  
Plaintiff-Respondent,

M-4448

Index No. 307799/11

-against-

2732 Bainbridge Associates, L.L.C.,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 20, 2017, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----X  
SW Productions, Inc.,  
Plaintiff-Appellant,

-against-

M-4857  
Index No. 652990/14

CBGB Festival, LLC and 315 Bowery  
Holding, LLC,  
Defendants-Respondents,

CBGB Holdings, LLC, et al.,  
Defendants.

-----X  
CBGB Festival, LLC and 315 Bowery  
Holding, LLC,  
Counterclaimants,

-against-

SW Productions, Inc.,  
Counterclaim Defendant.

Third-Party  
Index No. 595801/15

-----X  
CBGB Festival, LLC and 315 Bowery  
Holding, LLC,  
Cross-Claim and  
Third-Party Plaintiffs,

-against-

Productions New York City LLC,  
Cross-Claim Defendant,

-and-

Timothy Hayes, et al.,  
Third-Party Defendants.

-----X

Plaintiff-appellant having moved for a stay of all proceedings in the underlying action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 5, 2017,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of continuing the interim stay granted by an order of a Justice of this Court, dated September 20, 2018. The Clerk of the Court is directed to maintain the perfected appeal on this Court's calendar for the December 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----X  
Paul Defreitas, Merle Walker and  
Joy Sinclair,  
Plaintiffs-Respondents,

-against-

M-5046  
Index No. 307223/09

The Bronx Lebanon Hospital Center,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 20, 2017, and said appeal having been perfected,

And an order of a Justice of this Court, entered on October 15, 2018, granted an interim stay of trial, directed that there be no further adjournments of the appeal, and further directed the Clerk of this Court to calendar the appeal for the December 2018 Term,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of continuing the interim relief granted by an order of a Justice of this Court, dated October 15, 2018. The Clerk of the Court is directed to maintain the appeal on the calendar for the December 2018 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-4421  
Ind. No. 3066/16

Mauricio Dominguez-Bernal,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 17, 2017 (M-5022), assigning Seymour W. James, Esq., predecessor counsel to Justine M. Luongo, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 14, 2017,

And assigned counsel Justine M. Luongo, Esq., The Legal Aid Society, having moved for an order dismissing the appeal without prejudice to reinstatement as such time as the defendant-appellant becomes amenable to the jurisdiction of this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-4422**

Ind. No. 1474/16

William Cuervas,

Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order discontinuing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 22, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
1204 Broadway NYC LLC,

Plaintiff-Respondent,

-against-

**M-4527**

Index No. 104280/12

Lui Kim,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Supreme Court, New York County, entered on or about February 15, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-4571  
Ind. No. 245/16

Marion Mack,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 18, 2017 (M-1601), assigning Seymour W. James, Esq., predecessor counsel to Justine M. Luongo, Esq., The Legal Aid Society, as counsel to prosecute defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 1, 2016,

And assigned counsel Justine M. Luongo, Esq., The Legal Aid Society, having moved for an order dismissing the appeal, without prejudice to reinstatement, at such time as the defendant-appellant becomes amenable to the jurisdiction of this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
435 Central Park West Tenant  
Association, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

Park Front Apartments, LLC,  
Defendant-Appellant-Respondent,  
- - - -  
National Leased Housing Association,  
Amicus Curiae.

M-4268  
M-4344  
Index No. 452296/16

-----X  
Plaintiffs-respondents-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on August 2, 2018 (Appeal No. 6514 & M-1689) [M-4268],

And defendant-appellant-respondent having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court, entered on August 2, 2018 (Appeal No. 6514 & M-1689) [M-4344],

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are denied [M-4268/M-4344].

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-4654

-against-

SCI No. 4633-2009

Hiram Rosario,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a final corrected order of the Supreme Court, Bronx County (Bruce, J.), entered on or about April 19, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4654)

-2-

October 30, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-4689

-against-

Ind. No. 906/10

Damion Law,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about July 27, 2018, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4689)

-2-

October 30, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-4445  
Ind. No. 2567/16

Leston Anderson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 23, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-4469  
Ind. No. 979/15

Jenetta Ferguson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 28, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-4479**  
Ind. No. 4011/12

Jose Marin,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 1, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4480  
Ind. No. 1299/17

Leonard Woodard,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 15, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against- M-4482  
Ind. No. 3190/15

John Walden,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 1, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4483  
Ind. No. 4585/14

Patrick Mathis,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 1, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial, sentence and **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4484  
Ind. No. 2454/16

Edwin Baez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-4485**

Ind. No. 919/17

Levon Jackson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-4486**

Ind. No. 1036N/16

Luis Tejada,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 6, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-4487  
Ind. No. 2875/13

Frederick White,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4488  
Ind. No. 4843/16

John Weathers,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 28, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

Simone Morgan,

Defendant-Appellant.  
-----X

M-4514  
Ind. Nos. 111/17  
1415/18  
5386/14

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 19, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-4516  
Ind. No. 3898/17

Alonso Bethel,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 11, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

M-4519  
Ind. No. 3207/17

Darrick Herman,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 5, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4567  
Ind. No. 1067/13

Franquely Martinez, also known as  
Franquelly Martinez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against- M-4616  
Ind. No. 2580/17

Jesus Quiñones,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on January 10, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 10, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

**CORRECTED ORDER APRIL 4, 2023**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

**SEALED**

-against-

M-4625  
Sci. No. 1132/17

Terrell M.,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about January 18, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 18, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**M-4666**

Ind. No. 3747/17

Jose Luis Panchana,

Defendant-Appellant.  
-----X

An order of the Supreme Court, New York County, having been entered on or about April 19, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 18, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division,

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed,

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4694

Ind. Nos. 1810/17  
209/16

Jerome Tolbert,  
Defendant-Appellant.

-----X

Orders of the Supreme Court, Bronx County, having been entered on or about January 29, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about January 24, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4734

Ind. No. 1286/16

Angel Miranda,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 7, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 7, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4735

Ind. No. 1970/17

Gerardo Diaz,  
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 6, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 6, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Justine M. Luongo, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,

Respondent,

-against-

**CONFIDENTIAL**

M-4795

Ind. No. 934/92

Terrence Jones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about December 6, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Hong as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Luongo, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
Respondent,

**CONFIDENTIAL**

M-4799

-against-

Ind. No. 30030/18

Michael Roman,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Hayes, J.), entered on or about May 4, 2018 for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The Clerk of the Supreme Court shall expeditiously make and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Hayes as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Justine M. Loungo, Esq., The Legal Aid Society, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

(M-4799)

-2-

October 30, 2018

The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Atlas MF Mezzanine Borrower, LLC, a  
Delaware limited liability company,  
Plaintiff-Respondent,

-against-

Macquarie Texas Loan Holder LLC, a  
Delaware limited liability company,  
Defendant-Appellant,

M-4946  
M-4948  
Index No. 651657/17

KKR REPA AIV-2 L.P., a Delaware  
limited partnership, and KRE LRP  
Osprey Venture LLC, a Delaware  
limited liability company,  
Defendants-Appellants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 18, 2018, and said appeals having been perfected,

And defendants-appellants KKR REPA AIV-2 L.P., et al. having moved, by duplicate motions, for a calendar preference on hearing of the appeals,

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are granted only to the extent of maintaining the appeals on this Court's calendar for November 14, 2018, and otherwise denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Eleanor B. Newirth,

Plaintiff-Appellant,

-against-

M-4955  
Index No. 100266/18

Jessica Perrizo,

Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about August 21, 2018, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the stipulated consent of the parties hereto dated October 15, 2018, and due deliberation having been had thereon,

It is ordered that the motion is granted on condition plaintiff perfects the appeal on or before December 3, 2018 for the February 2019 Term.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Philippe Buhannic and Patrick Buhannic,  
Individually and derivatively on behalf  
of TradingScreen, Inc.,  
Plaintiffs-Appellants,

-against-

M-4860  
M-4977  
Index No. 653624/16

TradingScreen, Inc., Pierre Schroeder,  
Giampiero Grandi, Frank Placenti,  
Robert Trudeau, TCV VI, L.P., and  
TCV Member Fund, L.P.,  
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 13, 2017, and said appeal having been perfected,

And plaintiffs-appellants having moved for leave to file a supplemental appendix and for a calendar preference in hearing of the appeal (M-4860),

And defendant-respondent TradingScreen, Inc., having moved to strike certain those portions of the brief and appendix that reference non-record material (M-4977),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion by plaintiffs-appellants is denied (M-4860). The motion by defendant-respondent is granted to the extent of deeming the following pages struck from plaintiffs' appendix: pp.31, 33-37, 99-100, 203-205 and deeming struck those portions of the appellate brief found at pp.i, 14 n, 34, 15 and 19, related to the aforementioned exhibits.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present: Hon. David Friedman, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Anil C. Singh, Justices.

-----X  
In the Matter of

Nicolas Keith G.,  
also known as  
Nicolas G.,  
also known as  
Nicolas H.,

**CONFIDENTIAL**  
M-4585  
Docket No. B-33823/15

A Dependant Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -  
Lutheran Social Services of New York,  
et al.,  
Petitioners-Respondents,

Mark G.,  
Respondent-Appellant.

- - - - -  
Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X

An order of this Court having been entered on August 9, 2018 (M-2366/M-2531) denying respondent-appellant father's motion to stay the adoption [M-2366] and granting petitioners-respondents' cross motion to dismiss (M-2531) the appeal taken from an order and judgment (one paper) of the Family Court, New York County, entered on or about September 5, 2017, which terminated respondent-appellant's parental rights over the subject child,

And respondent-appellant father, having moved for reconsideration the aforesaid order of this Court in so far as it granted petitioners-respondents' cross motion to dismiss the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that respondent-appellant's motion for reconsideration is denied. Respondent-appellant failed to move in the Family Court for an order vacating his default.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X  
In the Matter of the Application of

Blake Wingate,  
Petitioner-Appellant,

For a Judgment in the Nature of Mandamus  
Pursuant to Article 78 of the Civil  
Practice Law and Rules,

M-4534  
Index No. 100935/17

-against-

Lynn W.L. Fahey, Esq., in her capacity as  
Chief Attorney for Appellate Advocates,  
Respondent-Respondent.

-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the purported appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 10, 2018, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied in its entirety.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Patrolmen's Benevolent Association  
of the City of New York, Inc.,  
Petitioner-Appellant,

-against-

M-5019  
Index No. 150181/18

Bill DeBlasio, etc., et al.,  
Respondents-Respondents.

-----X

An appeal having been taken from separate orders of the Supreme Court, New York County, entered on or about May 7, 2018, and said appeal having been perfected,

And proposed amici curiae Reporters Committee for Freedom of the Press; Hearst Corporation; The Associated Press, Inc.; BuzzFeed, Inc.; Cable News Network, Inc; The Center for Investigative Reporting; Daily News, L.P.; Dow Jones & Co. Inc.; Gannett, Co., Inc; Gizmodo Media Group, LLC; New York Public Radio; The New York Times Company; NYP Holdings, Inc.; and Spectrum News NY1 having moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the amici curiae brief submitted with the moving papers herein is deemed filed.

ENTERED:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X  
In the Matter of the Application of  
Sean A. Clark,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-4195  
Index No. 400256/14

-against-

State Commissioner Social  
Service Department,  
Respondent-Respondent.

-----X  
An Article 78 proceeding to review a determination of Respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 11, 2014,

And petitioner-appellant, pro se, having moved for an enlargement of time to perfect the aforesaid proceeding,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, the proceeding is dismissed.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom  
Ellen Gesmer, Justices.

-----X  
Stanley H. Epstein, et al.,  
Plaintiffs,

SEP IRA A/C Peter Christopher Gardner,  
Derivatively on Behalf of Nominal  
Defendant Sequoia Fund, Inc.,  
Plaintiff-Appellant,

M-3849  
Index No. 650100/16

-against-

Ruane, Cunniff & Goldfarb Inc., et al.,  
Defendants-Respondents,

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on July 5, 2018 (Appeal Nos. 7064-7065),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Peter Tom  
Ellen Gesmer, Justices.

-----X  
Luther S. Pate, IV,

Plaintiff-Appellant,

-against-

BNY Mellon-Alcentra Mezzanine  
III, LP, et al.,  
Defendants-Respondents.

-----X

**SEALED**

M-4192

Index No. 654058/15

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on July 5, 2018 (Appeal No. 7067),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick,  
Peter Tom, Justices.

-----X  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act.

- - - - -  
Kahlisha J.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**  
M-5554A  
Docket Nos.  
V-18120-12/16B  
V-18120-12/16C

Eddie R., Jr.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 6, 2017, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

On the Court's own motion, it is further ordered that pursuant to §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-6800, is assigned as counsel for respondent-respondent for purposes of responding to the appeal from the September 6, 2017 order, and respondent-respondent is permitted to respond to the appeal upon a reproduced respondent's brief.

The order of this Court entered on December 7, 2017 (M-5554) is hereby recalled and vacated.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Ellen Gesmer  
Peter H. Moulton, Justices.

-----x  
Adam Brook, M.D., Ph.D., and Adam  
Brook, M.D., Ph.D., P.L.L.C.,  
Plaintiffs-Appellants,

-against-

M-4466  
M-4840

Peconic Bay Medical Center, et al., Index No. 650321/12  
Defendants-Respondents,

John Does #1-5,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 13, 2018, and said appeal having been perfected,

And plaintiffs-appellants having moved to enlarge the record on appeal to include material dehors the record, attached to the Brook Affidavit as Exhibits 1-12, which they have referenced in the appellant's brief filed (M-4466),

And defendants-respondents having cross-moved for partial dismissal of the aforesaid appeal, and to extend the time to submit their respondents' brief (M-4840),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion (M-4466) to enlarge the record on appeal is denied. The digital supplemental record (which plaintiffs have submitted), as well as plaintiffs' brief, which refers to such supplemental record, are stricken, without prejudice to plaintiffs-appellants filing a corrected brief for

the February 2019 Term, to which Term the appeal (Cal. No. 3606N) is adjourned. Along with that corrected brief, plaintiffs-appellants are directed to file a supplemental record on appeal, at their own expense, consisting of Exhibits 3, 5, 7-11 attached to the moving papers herein, as well as the transcripts of the depositions of Daniel Hamous, M.D., George Keckeisen, M.D., Denise Misiewicz, Margaret Basso, and Richard Rubenstein, M.D., in their entirety.

It is further ordered that the branch of the cross motion (M-4840) seeking partial dismissal of the appeal is denied, without prejudice to defendants-respondents advancing such arguments to dismiss the appeal in the respondents' brief, which shall be filed on or before January 2, 2019 for the February 2019 Term.

Sua sponte, the related appeals from the orders entered August 16, 2017 (Cal. No. 1360) and July 10, 2017 (Cal. No. 1114N), are also adjourned to the February 2019 Term.

ENTERED:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Angela M. Mazzarelli  
Troy K. Webber  
Cynthia S. Kern, Justices.

-----x  
Timothy Reif and David Fraenkel,  
as Co-Executors of the Estate of Leon  
Fischer and Milos Vavra,  
Plaintiffs-Respondents,

-against-

M-4990  
Index No. 161799/15

Richard Nagy, Richard Nagy, Ltd.,  
etc.,  
Defendants-Appellants.

-----x  
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 11, 2018, and said appeal having been perfected,

And plaintiffs-respondents having moved for an order compelling defendants-appellants to post a \$4 million bond, as required by this Court's order entered August 2, 2018 (M-3230/M-3293), as a condition of the stay granted to defendants of the sale of the artwork in question pending hearing and determination of the appeal, or a conditional order dismissing the appeal if defendants-appellants do not post the bond,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is deemed one to include a request to vacate the stay of the sale of the artwork in question pending appeal granted by this Court's order entered August 2, 2018, and, as such, is granted unless defendants-

appellants post a \$4 million bond within five (5) days of the date hereof. The Clerk is directed to maintain the appeal on the December 2018 Term. The motion is otherwise denied.

**ENTERED:**

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 30, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Jeffrey K. Oing, Justices.  
Peter H. Moulton

----- X  
The People of the State of New York  
ex rel. Jane White, Esq., on  
behalf of Naseer Shaheed,  
Petitioner-Appellant,

-against-

Cynthia Brann, Commissioner, New  
York City Department of Correction,  
Respondent-Respondent.

M-4290  
Index No. 451335/18  
Ind. No. 1777/18

----- X  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 19, 2018, which denied and dismissed petitioner's application for a writ of habeas corpus,

And petitioner having moved for an order releasing him on his own recognizance or a bail reduction, expediting the aforesaid appeal, granting leave to prosecute the appeal as a poor person, and assigning appellate counsel,

And an order of a Justice of this Court entered on August 23, 2018, having granted petitioner an interim reduction in bail,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of expediting the appeal by directing counsel to perfect said appeal on or before December 31, 2018, and it is further,

Ordered that so much of the motion requesting poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file an original and five

hard copies, and if represented by counsel, one digital copy of the brief, together with the original record, pursuant to section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Justine M. Luongo, Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for petitioner-appellant for purposes of the appeal.

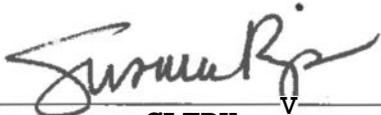
The interim relief granted by a Justice of this Court on August 23, 2018 is hereby vacated, and the original bail set by a Judge of the Criminal Court, New York County, on or about May 16, 2018, and continued by a Justice of the Supreme Court, New York County, on or about June 13, 2018, in the amount of \$150,000 cash or \$200,000 insurance company bond, and the conditions attendant thereto, are reinstated.

All concur except Kahn, J., who dissents in part as follows:

KAHN, J. (dissenting in part)

In New York, in setting bail, "the only matter of legitimate concern [is] whether any bail or the amount fixed was necessary to insure the defendant's future appearances in court (CPL 510.30, subd 2, par [a])" (*Matter of Sardino v State Commn. On Jud. Conduct*, 58 NY2d 286, 289 [1983]). To meet Eighth Amendment requirements, "when the Government has admitted that its only interest is in preventing flight, bail must be set by a court at a sum designed to ensure that goal, and no more" (*United States v Salerno*, 481 US 739, 754 [1987]). Because the interim order of August 23, 2018 in this case meets these standards, I would adhere to its terms. Accordingly, I respectfully dissent from the Court's determination as to bail.

ENTERED:

  
CLERK