

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----x  
In the Matter of a Proceeding for  
Visitation under Article 6 of the  
Family Court Act.

- - - - -  
Diana M.,  
Petitioner-Appellant,

M-4487

-against-

Docket No. V-14179/12

Nityanan T.,  
Respondent-Respondent.

- - - - -  
In the Matter of a Proceeding for  
Visitation under Article 6 of the  
Family Court Act.

- - - - -  
Nityanan T.,  
Petitioner-Respondent,

-against-

Docket No. V-09939/13

Diana M.,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about December 5, 2013,

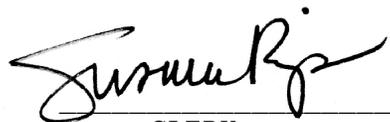
And petitioner/respondent-appellant Diana M. having moved for preference in hearing of the appeal,

And certain relief having been granted by an order of a Justice of this Court entered September 19, 2014,

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

It is ordered that the remainder of the motion is deemed withdrawn in accordance with the aforesaid order of a Justice of this Court entered September 19, 2014.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Giannis F.,

A Child Under 18 Years of Age Alleged  
to be Neglected/Abused Under Article 10  
of the Family Court Act.

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

M-2240  
Docket No. NA-15123/11

Vilma C.,  
Respondent-Appellant,

Manny M.,  
Respondent.

- - - - -  
Jennifer Smith, Esq.,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from a Decision and Order of the Family Court, Bronx County, entered on or about December 16, 2013, the Order of Fact-Finding of said Court entered on or about January 16, 2014, and the Order of Disposition of said Court entered on or about March 18, 2014, respectively, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone

No. 914-439-4843, 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 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.**

ENTER:



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CLERK

---

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of the Guardianship for  
The Person and Custody of

Rickelme Alfredo B.,

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

-----  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

M-2244  
Docket No. B-241/11

Ricardo Alfred B.,  
Respondent-Appellant.

-----  
Kevin Gomez, Esq.,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Findings of Fact, Conclusions of Law and Order of Disposition of the Family Court, Bronx County, entered on or about April 24, 2014, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings on Hudson, NY 10706, Telephone No. 914-439-4843, 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Nathaniel B., and  
Supriya B.,

Children Under the Age of 18 Year  
Alleged to be Neglected/Abused Under  
Article 10 of the Family Court Act.

-----  
Administration for Children's Services,  
Petitioner-Respondent,

M-2787  
Docket Nos.  
NA-25835-36/11

Alberto DeL.,  
Respondent-Appellant.

-----  
Seymour W. James, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding and Disposition of the Family Court, Bronx County, entered on or about April 25, 2014, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

- - - - -  
Renaldo R.,  
Petitioner-Appellant,

-against-

Chanice R.,  
Respondent-Respondent.

M-3531  
Docket Nos. V-32981/14  
V-32982/14  
V-32983/14  
V-32984/14

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 28, 2014, 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, Bruce A. Young, Esq., 181 Hudson Street, Suite 1A, New York, NY 10013, Telephone No. 212-965-0050, 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

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

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 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.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-----  
Angel D.,  
Petitioner-Respondent,

-against-

M-3532  
Docket No.  
V-14952-05/10A-D

Nieze S.,  
Respondent.

-----  
Thomas R. Villecco, Esq.,  
Attorney for the Child-Appellant.

-----X  
Paul Matthews, trial court attorney for the subject child, having moved on the child's behalf for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 7, 2014, 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, Thomas R. Villecco, Esq., 266 Broadway, Suite #410, Jericho, NY 11753, Telephone No. 516-942-4221, 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

State 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of the Guardianship and  
Custody of

Jahni Reese F.,

A Dependent Child Under 18 Years of Age  
Pursuant to §384-b of the Social  
Services Law of the State of New York  
and/or Article 6 of the Family Court Act.

-----  
Catholic Guardian Society & Home Bureau,  
et al.,  
Petitioners-Respondents,

M-3568  
Docket No. B-11673/13

Joshua R. F.,  
Respondent-Appellant.

-----  
Seymour W. James, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Findings of Fact and Conclusions of Law of the Family Court, New York County, entered on or about June 10, 2014, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053, 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Imani G.,

A Child Under 18 Years of Age Alleged to be Neglected or Abused Pursuant to Article 10 of the Family Court Act.

- - - - -

New York City Administration for Children's Services,  
Petitioner-Respondent,

M-3576  
Docket No. NA-14674/12

Pedro G.,  
Respondent-Appellant.

- - - - -

Frederic P. Schneider, Esq.,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 3, 2014, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 603-313-1951, 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

Dennis S., M-3601  
Petitioner-Respondent, Docket No. O-19890/13

-against-

Tanya P.,  
Respondent-Appellant.  
-----X

Respondent-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 May 30, 2014, 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. 516-994-6831, 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

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

Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant 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.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written in a cursive style.

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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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Tayvon Josiah R., also known as  
Tayvon R., also known as  
Tayvon S., and  
S'Mya Jade R., also known as  
S'Mya R., also known as  
S'Mya S.,

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

-----  
Graham-Windham Services for Children  
and Families, et al.,  
Petitioners-Respondents,

M-3603  
Docket Nos. B-1620-21/13

Paul Gregory R., also known as  
Paul G. R., also known as Paul R.,  
Respondent-Appellant.

-----  
Seymour W. James, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about April 29, 2014, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, 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 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.**

ENTER:



\_\_\_\_\_  
CLERK

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

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 9, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of a Petition for Visitation Under Article 6 of the Family Court Act.

- - - - -  
Ann D.,  
Petitioner-Appellant,

-against-

M-2839  
Docket Nos. V-14913-4/08  
V-12252-4/09

Davis S.,  
Respondent-Respondent.

- - - - -  
Richard L. Herzfeld, Esq.,  
Attorney for the Children.

-----X

Samuel Feldman, Esq., trial court attorney for the subject children Samuel S. And Victor S., having moved on respondents' behalf for leave to respond, as poor persons, to the appeal from the orders of the Family Court, New York County, entered on or about June 12, 2013 and September 12, 2013, respectively, 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, Richard L. Herzfeld, Esq., 104 West 40<sup>th</sup> Street, 20<sup>th</sup> Floor, New York, NY 10018, Telephone No. 212-818-9019, as counsel for purposes of responding to the appeal; (2) permitting movants to respond to the appeal upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:



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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

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

- - - - -  
Lisa C.,  
Petitioner,

-against-

M-2840  
Docket Nos. V-544/13  
V-19443/13A

Bruce C.,  
Respondent-Respondent.

- - - - -  
Leslie L. Lowenstein, Esq.,  
Attorney for the Child-Appellant.

-----X

Wendy I. Luger, Esq., court attorney for the subject child, having moved on the child's behalf for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 13, 2014, 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 L. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. 516-994-6831, 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 State 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 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.**

ENTER:



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CLERK

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

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 9, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Gabriel Anthony McC., and  
Daniel Liam McC.,

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

- - - - -  
Leake and Watts Services, Inc., et al.,  
Petitioners-Respondents,

M-3533  
Docket Nos. B-4720/12  
B-4721/12

Marianne Theresa McC., also known as  
Marianne Theresa T.,  
Respondent-Appellant.

- - - - -

Thomas R. Villecco, Esq.,  
Attorney for the Children.

-----X

Richard A. Bara, Esq., trial court attorney for the subject children, having moved on respondents' behalf for leave to respond, as poor persons, to the appeals from the orders of the Family Court, Bronx County, entered on or about March 6, 2014 and March 26, 2014, 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, Thomas R. Villecco, Esq., 366 North Broadway, Suite 410, Jericho, NY 11753, Telephone No. 516-942-4221, as counsel for purposes of responding to the appeals; (2) permitting movants to respond to the appeals upon a reproduced respondents' brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:



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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Isaac Ansimeon F., also known as Isaac F.,

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

Graham-Windham Services to Children and Families, et al.,  
Petitioners-Respondents,

M-4095  
Docket No. B-3434/08

Crystal F., also known as Crystal A. F.,  
Respondent-Appellant.

Seymour W. James, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child.

-----X

Respondent-appellant mother Crystal F. having moved for leave to prosecute, as a poor person, the appeal from the Order of Disposition, Adjudication, Findings of Fact and Conclusions of Law of the Family Court, Bronx County, entered on or about April 7, 2014, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. 516-887-8987, 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 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.** (See M-3545, decided simultaneously herewith.)

ENTER:



CLERK

---

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

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 9, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Isaac Ansimeon F., also known as Isaac F.,

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

-----  
Graham-Windham Services to Children and Families, et al.,  
Petitioners-Respondents,

M-3545  
Docket No. B-3434/08

Mark P.,  
Respondent-Appellant.

-----  
Seymour W. James, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child.

-----X

Respondent-appellant Mark P. having moved for leave to prosecute, as a poor person, the appeal from the Order of Disposition, Adjudication, Findings of Fact and Conclusions of Law of the Family Court, Bronx County, entered on or about April 7, 2014, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053, 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 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.**

ENTER:



---

CLERK

---

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



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 9, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Barbara R. Kapnick, Justices.

-----X  
Bank Leumi Trust Company  
of New York,  
Plaintiff,

-against-

M-3346  
Index No. 102336/96

Newby Toms,  
Defendant-Appellant,

Emerald Investors Limited,  
Nonparty Respondent.  
-----X

Defendant-appellant, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 20, 2014 (Appeal Nos. 12510, 12511, 12512),

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.

ENTER:



\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sallie Manzanet-Daniels  
Darcel D. Clark, Justices.

-----X  
Sabharwal & Finkel, LLC, et al.,  
Plaintiffs-Appellants,

-against-

Sir Martin Sorrell,  
Defendant-Respondent.

M-3020  
M-3544  
Index No. 155808/12

-----X

Plaintiffs-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 May 6, 2014 (Appeal Nos. 12388-12389) [M-3020],

And defendant-respondents having cross-moved for sanctions, fees and costs pertaining to the aforesaid motion [M-3544],

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-3020/M-3544].

ENTER:



\_\_\_\_\_  
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 9, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Judith J. Gische  
Darcel D. Clark, Justices.

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

-against-

M-6633A  
Ind. No. 1989/11

Dwinel Monroe,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 24, 2012, having moved for an extension of time to file a pro se supplemental brief, to enlarge the record on appeal and to be provided with the minutes of certain proceedings and other documents, 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 4, 2014 for the March 2015 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, including the minutes of proceedings having occurred on April 14, 2011 and April 18, 2011, said transcripts to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto, and otherwise denied. The appeal will not be heard unless and until all material furnished to appellant has been returned. The order of this Court entered on April 3, 2014 (M-6633) is hereby recalled and vacated.

ENTER:

  
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 9, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

M-4307  
Ind. No. 2221/11

Yvette Ward,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2011, and said appeal having been perfected,

And an order of this Court having been entered on May 8, 2012 (M-1426), granting defendant leave to prosecute the appeal as a poor person, and assigning The Legal Aid Society as counsel to prosecute the appeal,

And an order of this Court having been entered on February 11, 2014 (M-5483), inter alia, substituting Richard M. Greenberg, Esq., The Office of the Appellate Defender, as counsel to prosecute the appeal,

And an order of this Court having been entered on May 13, 2014 (M-1187), inter alia, substituting The Legal Aid Society as counsel to prosecute the appeal,

And defendant-appellant pro se having moved for reconsideration of the order of this Court entered May 13, 2014 (M-1187), to recall and vacate the order of this Court entered February 11, 2014 (M-5483), which relieved The Legal Aid Society and substituted Richard M. Greenberg, Esq. as counsel on the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from The Legal Aid Society dated September 2, 2014, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the excessive sentence brief filed by The Legal Aid Society on or about January 31, 2014, withdrawn by the correspondence dated September 2, 2014. The appeal is stricken from this Court's calendar and, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212) 402-4100, is re-assigned as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time to perfect the appeal is enlarged to the March 2015 Term.

ENTER:

  
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 9, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----x  
Santiago Torres,  
Plaintiff-Respondent,

-against-

M-4630  
Index No. 301430/10

Consolidated Edison Company of New York, Inc., et al.,  
Defendants,

The Hallen Construction Co., Inc.,  
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 31, 2013,

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 February 2015 Term.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische, Justices.

-----X

In re Nancy Fisher Kirschner,  
Petitioner-Appellant,

-against-

Charles A. Fisher,  
Respondent-Respondent,

Barbara Snow,  
Respondent.

M-3124  
File No. 86A/11  
86B/11

-----X

Petitioner-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 20, 2014 (Appeal No. 11093),

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.

ENTER:



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 9, 2014.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against- Case No. 58914C/09  
Index No. 3606/09

Durville Small,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 25, 2013 (M-2172) granting defendant poor person relief and assigning Robert S. Dean, Esq., the Center for Appellate Litigation, to prosecute defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 21, 2011,

And an order of this Court having been entered on April 15, 2014 (M-126), relieving Robert S. Dean, Esq., the Center for Appellate Litigation, as assigned counsel to prosecute defendant's appeal, and substituting retained counsel Paul S. Brenner, Esq., for purposes of prosecuting said appeal,

And defendant having moved to relieve retained counsel, Paul S. Brenner, Esq., and for Robert S. Dean, Esq., the Center for Appellate Litigation, to be reinstated as assigned counsel on his appeal, and to continue poor person 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 relieving Paul S. Brenner, Esq., as counsel on the aforesaid appeal, and reinstating Robert S. Dean, Esq., the Center for Appellate Litigation, as counsel on said appeal and continuing the poor person relief afforded defendant in the prior order of this Court entered on June 25, 2013 (M-2172).

ENTER:

  
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 9, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----x  
Keith Luebke,  
Plaintiff-Respondent,

-against-

M-4477  
Index No. 114861/08

MBI Group, et al.,  
Defendants,

-and-

Pinnacle Contractors of NY, Inc.,  
et al.,  
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 January 23, 2014 (mot. seq. no. 003), and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial herein pending hearing and determination of the appeal taken therefrom,

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.

ENTER:

  
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 9, 2014.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Paul G. Feinman  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
Chao Jiang,  
Plaintiff-Appellant,

-against-

M-4573  
Index No. 652334/14

Federal Insurance Company, etc.,  
et al.,  
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 September 10, 2014,

And plaintiff-appellant having for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 compelling defendants to "advance" defense costs incurred in actions against him by certain federal agencies, pending hearing and determination of the appeal taken therefrom,

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.

ENTER:



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 9, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Brian Hettich,  
Plaintiff-Appellant,

-against-

M-2758  
Index No. 116525/07

125 East 50th Street Co., LLC, et al.,  
Defendants-Respondents.

- - - - -  
[And a Third-Party Action]

-----X

Defendants/third-party plaintiffs having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 15, 2014 (Appeal No. 11113),

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.

ENTER:



\_\_\_\_\_  
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 9, 2014.

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

-----X

In the Matter of the Application of  
The Bank of New York Mellon, etc.,  
et al.,  
Petitioners,

For an order pursuant to CPLR § 7701,  
seeking judicial instructions and  
approval of a proposed settlement.

- - - - -  
The Bank of New York Mellon, etc.,  
et al.,  
Petitioner-Appellant-Respondent,

-and-

Blackrock Financial Management, Inc.,  
et al.,  
Intervenors-Petitioners-  
Appellants-Respondents,

-against-

The Retirement Board of the  
Policemen's Annuity and Benefit Fund  
of the City of Chicago, et al.,  
Respondents-Respondents-Appellants,

Sterling Federal Bank, F.S.B., et al.,  
Respondents-Respondents,

The Knights of Columbus,  
Intervenor-Respondent-Respondent.

-----X

M-4703  
M-4942  
Index No. 651786/11

Appeals and a cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 21, 2014, and said appeal and cross appeal having been perfected,

And the American Bankers Association and the New York Bankers Association having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

And the Retirement Board of the Policeman's Annuity and Benefit Fund, etc., et al. having cross-moved for leave to file a brief in response to the proposed brief amicus curiae,

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-4703) is granted, and the proposed briefs amicus curiae submitted with the moving papers are deemed filed. The cross motion (M-4942) is denied.

ENTER:

  
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 9, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X  
Liberty Square Realty Corp.,

Plaintiff-Appellant,

-against-

The Doe Fund, Inc., et al.,

Defendants-Respondents.  
-----X

M-4410  
Index No. 302595/11

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 9, 2013,

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 February 2015 Term.

ENTER:

  
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 9, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----x

WA Route 9, LLC,  
Plaintiff /Counterclaim Defendant,

-against-

M-4468  
Index No. 651688/12

PAF Capital, LLC,  
Defendant-Counterclaim Plaintiff.

- - - - -

PAF Capital LLC,  
Third-Party Plaintiffs,

-against-

Index No. 590475/12

Jacob Frydman, et al.,  
Third-Party Defendants.

- - - - -

Jacob Frydman,  
Fourth-Party Plaintiff-Appellant,

-against-

Index No. 590603/12

David Lichtenstein, et al.,  
Fourth Party Defendants-Respondents.

-----x

Appeals having been taken to this Court by defendant/third-party defendant/fourth party plaintiff-appellant, Jacob Frydman, from orders of the Supreme Court, New York County, entered on or about June 10, 2013 (mot. seq. no. 002) and September 2, 2014, respectively,

And appellant having moved for consolidation of the aforesaid appeals,

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 appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before January 5, 2015 for the March 2015 Term.

ENTER:

  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against- **M-3670**  
Ind. No. 2108/13

Felipe Cortes Pacheco,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 14, 2014, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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 moving papers a timely filed notice of appeal, and 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 45 West 45th Street, Suite 706, New York, New York 10036, Telephone No. 212-719-0766, 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 120 days from the date of filing of the record.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

**M-3638**  
Ind. No. 3825/06

Ricardo Jimenez,  
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on July 17, 2014 (M-2041), granting defendant leave to appeal to this Court from an order of the Supreme Court, Bronx County, rendered on or about March 4, 2014,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the aforesaid order of the Supreme Court, Bronx County, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, 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 120 days from the date of filing of the record.

ENTER:

  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

Respondent,

-against-

**M-3684**  
Ind. No. 2176/13

Rafael Henriquez,

Defendant-Appellant.

-----X  
Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 22, 2013,

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 notice of appeal timely filed.

ENTER:



\_\_\_\_\_  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

**M-3611**

Ind. No. 492/14

Frank Texidor,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 12, 2014,

And an order of this Court having been entered June 19, 2014 (M-1770), granting defendant leave to prosecute the appeal as a poor person, and assigning counsel therefor,

And defendant-appellant having moved for an order to amended the aforesaid notice of appeal and order of assignment (M-1770) to include the judgment rendered on or about May 7, 2014,

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 amending the notice of appeal and order of assignment (M-1770) to include the judgment rendered on or about May 7, 2014, and the poor person relief previously granted is extended to cover same.

ENTER:

  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

-against-

**M-3558**  
Ind. No. 2308/08

Ross Campbell,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about November 23, 2010, and said appeal having been perfected,

And an order of this Court having been entered on May 1, 2014 (M-1396), inter alia, accepting defendant's "Proposed Supplemental Brief",

And defendant in correspondence dated July 3, 2014, deemed a motion, having moved to withdraw his pro se "Proposed Supplemental Brief" previously submitted and file a replacement brief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendant dated July 29, 2014, and due deliberation having been had thereon, it is

Ordered that the aforesaid motion to replace the aforesaid "Proposed Supplemental Brief" is deemed withdrawn in accordance with the correspondence dated July 29, 2014; sua sponte, all submitted briefs to remain as is and the appeal is adjourned to the December 2015 Term.

ENTER:

  
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 9, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

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

Mildred Mendez,  
Petitioner-Respondent,

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

-against-

M-3709  
Index No. 103995/09

New York City Department of  
Education ("DOE"),  
Respondent-Appellant.

-----X

Respondent having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 2, 2013,

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 January 2015 Term.

ENTER:



\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
In the Matter of

Stephauan P.,

A Person Alleged to be a Juvenile  
Delinquent,

M-3624  
Docket Nos. D-8774/12  
D-8772/12

Appellant.  
-----X

Appellant having moved for an enlargement of time to perfect the appeal from an order of the Family Court, Bronx County, entered on or about October 21, 2013,

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 January 2015 Term.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
James Gregware and Eileen Gregware,  
Plaintiffs-Respondents,

-against-

The City of New York,  
Defendant-Appellant,

Burtis Construction Co., Inc.,  
Defendant-Appellant,

Abelardo Dasilva,  
Defendant.

-----X

**M-3594**  
Index No. 108013/07

Separate appeals having been taken by defendants-appellants from a judgment of Supreme Court, New York County, entered on or about October 15, 2013,

And the aforesaid defendants-appellants having jointly moved for an enlargement of time to perfect their respective appeals,

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 appeals to the January 2015 Term.

ENTER:

  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Selnick Harwood Consulting Engineers,  
PC.,

Plaintiff-Respondent,

**M-3371**

Index No. 110859/11

-against-

Perkins Eastman Architects, P.C.,  
et al.,

Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time to perfect their appeal from a judgment of the Supreme Court, New York County, entered on or about May 29, 2013,

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 February 2015 Term.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Pedro Antonio Rivera,

Plaintiff-Appellant,

-against-

**M-3516**  
Index No. 7079/05

Earlybird Delivery Systems, LLC, doing  
business as Urban Express,

Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about March 27, 2013,

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 February 2015 Term.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X

In the Matter of the Application of

Barbara Morris,  
Petitioner-Respondent,

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

-against-

M-3681  
Index No. 100845/13

New York City Department of  
Health and Mental Hygiene,  
Respondent-Appellant.

-----X

Respondent having moved for an enlargement of time to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 15, 2013,

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 February 2015 Term.

ENTER:



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 9, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Herbert Mauthner,  
Plaintiff-Respondent,

-against-

M-3382  
Index No. 302289/09

Dena Ray Mauthner,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about January 24, 2013,

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 February 2015 Term, with no further enlargements to be granted.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----x  
Lauren Appel Gottlieb,  
Plaintiff-Respondent,

-against-

M-3595  
Index No. 314079/10

Michael Gottlieb,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 23, 2013, and from a judgment of the same Court and Justice, entered on or about May 12, 2014, respectively,

And defendant-appellant having moved for leave to enlarge the record on appeal to include the transcript from a related matter and for an enlargement of time to perfect his 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 to the extent of enlarging the time to perfect the appeal to on or before December 8, 2014 for the February 2015 Term, with no further enlargements, and otherwise denied.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
Allstate Insurance Company, et al.,  
Plaintiffs-Appellants,

-against-

M-3916  
Index No. 100120/12

Pierre Saint Gilles, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect their appeal from an order of the Supreme Court, New York County, entered on or about July 25, 2013 (mot. seq. no. 002),

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 January 2015 Term.

ENTER:

  
\_\_\_\_\_  
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 9, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

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

-against-

**M-3344**  
Ind. No. 2655/08

Joel Molina,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 29, 2010,

And an order of this Court having been entered on October 6, 2011 (M-3342), granting defendant poor person relief and assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, as counsel for purposes of prosecuting the appeal,

And assigned counsel, Richard M. Greenberg, Esq., having moved to be relieved as defendant's counsel or, in the alternative, 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 the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
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 9, 2014.

Present: Hon. Karla Moskowitz, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
Joan C. Lipin,  
Plaintiff-Appellant,

-against-

Danske Bank, et al.,  
Defendants-Respondents.

**M-3314**  
**M-3315**  
Index No. 100807/13

-----X  
Joan C. Lipin,  
Plaintiff-Appellant,

-against-

Danske Bank, et al.,  
Defendants-Respondents.

Index No. 155308/13

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about September 24, 2013 (Index No. 100807/13), and on or about June 19, 2014 (Index No. 155308/13), respectively,

And plaintiff having moved by separate motions to enlarge the time to perfect the appeal taken from the order entered on or about September 24, 2013 (Index No. 100807/13), and to consolidate said appeal with the appeal taken from the order entered on or about June 19, 2014 (Index No. 155308/13),

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 to the extent of enlarging the time to perfect both appeals to the April 2015 Term, and directing that, if so perfected, both appeals be calendared for the same day of said April 2015 Term, and otherwise denied.

ENTER:

  
\_\_\_\_\_  
CLERK

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

M-2582  
Ind. No. 2342/11

-against-

CERTIFICATE  
DENYING LEAVE

Richard Davis,  
Defendant.

-----X

I, Hon. Dianne T. Renwick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 10, 2014 is hereby denied.

  
Associate Justice

Dated: *September 26*, 2014  
New York, New York

ENTERED: *OCT 09 2014*

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

-against-

Levon Isaac

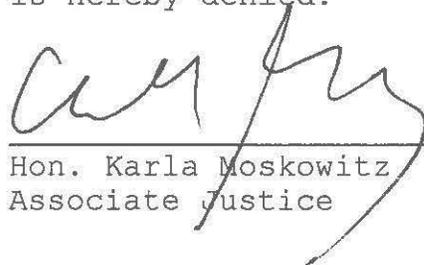
Defendant.

-----X

M-4060  
Ind. No. 413/12

CERTIFICATE  
DENYING LEAVE

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 8, 2014, is hereby denied.

  
-----  
Hon. Karla Moskowitz  
Associate Justice

Dated: *September 17*, 2014  
New York, New York

ENTERED: **OCT 09 2014**

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

-----x  
People of the State of New York,

Respondent,

M-3903  
Index No. 4925/08

-against-

Anthony Crawford,

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Defendant-Appellant.  
-----x

I, Helen E. Freedman, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: October 2, 2014  
New York, New York

ENTERED: **OCT 09 2014**

\*Description of Order:

Supreme Court, New York County, entered on September 16, 2010;  
App. Div., First Dept., Appeal No. 12646, Affd on July 17, 2014.

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Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-3271  
Ind. No. 30253/13

-against-

CERTIFICATE  
DENYING LEAVE

Wildon Rodriguez,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 17, 2014, is hereby denied. In light of the above, defendant's request for poor person relief is denied as moot.

  
Associate Justice

Dated: September 16, 2014  
New York, New York

ENTERED: **OCT 09 2014**

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-1899  
Ind. No. 2418/1985

-against-

CERTIFICATE  
GRANTING LEAVE

Kenneth Lewis,  
Defendant-Appellant.  
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, dated March 19, 2014.<sup>1</sup>

Dated: September 23, 2014  
New York, New York

**ENTERED** OCT 09 2014

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter  
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

---

<sup>1</sup> In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Judith J. Gische  
Justice of the Appellate Division

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

M-3653  
Ind. No. 7892/91

-against-

Dwayne Chapman a/k/a  
James Paris,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated March 27, 2014, of the Supreme Court, New York County (Patricia Nunez, J.), is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: August 18, 2014  
New York, New York

ENTERED: **OCT 09 2014**

P.M ORDERS  
FOR  
OCTOBER 09,  
2014

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 9, 2014.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Judith J. Gische, Justices.

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

-against-

M-4488  
Ind. No. 1007/12

Wesley Jones,  
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about May 16, 2013,

And an order of this Court having been entered on August 20, 2013 (M-3213), inter alia, granting defendant leave to prosecute the aforesaid as a poor person, and assigning counsel therefor,

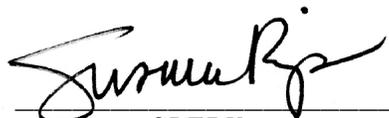
And an order of a Justice of this Court dated September 11, 2014, inter alia, having denied defendant's application for a stay of execution of sentence pending hearing and determination of the appeal,

And motion having been calendared for an order seeking the same relief as was denied by the aforesaid order entered September 11, 2014 (M-4488),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendant-appellant's counsel Robert S. Dean, Esq. (Jan Hoth, of counsel) dated September 12, 2014, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK