

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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

M-2336  
Ind. No. 1010/13

Rafael Rendon-Arias,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 9, 2013, as abandoned,

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It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

M-2337  
Ind. No. 4447/13

Maximo A. Siri,  
Defendant-Appellant.  
-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about February 13, 2014, as abandoned,

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It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Troy K. Webber  
Ellen Gesmer, Justices.

-----X  
In the Matter of the Application of  
Carolyn Hairston,  
Petitioner,

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

M-2629  
Index No. 100895/15

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 1, 2015, to review a determination of respondent,

And petitioner having moved having moved for leave to prosecute, as a poor person, the aforesaid proceeding, and for leave to have the proceeding 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 granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. It is further ordered that said proceeding will be dismissed unless perfected on or before September 6, 2016 for the November 2016 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 June 23, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

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

Appellant,

-against-

M-2356  
Ind. No. 3826N/12

Marcus Culbert,

Defendant-Respondent.  
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of resentence of the Supreme Court, New York County, entered on or about March 30, 2016, for 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 8 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean,, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, NY 10005, Telephone No. (212)577-2523, as counsel for purposes of responding to the appeal.

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 June 23, 2016.

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

-----X  
Addison Thompson,  
Plaintiff-Appellant,

-against-

M-2496  
Index No. 450612/14

The Andy Warhol Foundation for the  
Visual Arts, et al.,  
Defendants-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 5, 2015, 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 the motion, to the extent it seeks poor person relief and an enlargement of time to perfect the appeal, is denied, with leave to renew upon proper service of the instant motion on Luke Nikas, Esq., Boies, Schiller & Flexner LLP, 575 Lexington Avenue, New York, New York 10022.

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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Eastern Consolidated Properties, Inc.,  
Plaintiff-Respondent,

-against-

5 East 59 Realty Holding Company, LLC,  
Alexandros Demetriades,  
Defendants-Appellants,

MIP 5 East 59<sup>th</sup> Street, LLC, et al.,  
Defendants.

M-2423  
Index No. 650503/13

-----X  
Defendants-appellants having moved for an enlargement of time to perfect the appeals from the order of the Supreme Court, New York County, entered on or about July 1, 2015, and from the judgment of said Court entered on or about September 24, 2015, respectively,

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 October 2016 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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Christopher Henry,  
Plaintiff-Appellant,

-against-

Marisa Soto-Henry,  
Defendant-Respondent.

M-2520  
Index No. 302635/09

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2015, and to obtain a court ordered subpoena duces tecum with a signature of a judge, and other 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 enlarging the time to perfect the appeal to the October 2016 Term. The motion is 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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

-----X  
Joern Meissner, Individually and  
Derivatively on behalf of Manhattan  
Review LLC,  
Plaintiff-Appellant,

-against-

Tracy Yun, et al.,  
Defendants-Respondents.

M-2568  
Index No. 650913/12

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about July 10, 2015 and October 29, 2015, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 10, 2015,

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

Sua sponte, the appeals are consolidated and appellant is directed to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals.

It is further ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the October 2016 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 June 23, 2016.

PRESENT: Hon: David Friedman, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Judith J. Gische  
Troy K. Webber, Justices.

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

-against-

M-2469  
Ind. No. 3450/14

Christopher Morales,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 24, 2016 (M-836), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 4, 2015, under Indictment No. 3450/14, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include the Judgment of Resentence, rendered on or about December 9, 2015,

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 defendant's notice of appeal and the aforementioned order of this Court to include the Judgment of Resentence, rendered on or about December 9, 2015 and extending the poor person relief previously granted 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 June 23, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Christopher Collins,  
Petitioner,

-against- **M-2162**  
Ind. No. 2144/15

Raleem Moses, Warden, M.D.C.,  
N.Y.C. Department of Corrections,  
Respondent.

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, and for 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 be and the same hereby is granted only to the extent of transferring the proceeding to and be heard before a Justice of the Supreme Court of the State of New York, New York County, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at M.D.C., N.Y.C. Department of Corrections; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of New York, be deemed due and sufficient notice.

The motion is 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 June 23, 2016.

Present: Hon. David Friedman, Justice Presiding,  
Diane T. Renwick  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. William Escalera, Jr.,

Petitioner-Appellant,

-against-

Warden Mingo, A.M.K.C., et al.,

Respondents-Respondents.  
-----X

**M-1849**  
Ind. No. 5111/15  
Index No. 100198/16

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 4, 2016, which denied and dismissed petitioner's writ of habeas corpus,

And, petitioner-appellant having moved for a writ of habeas corpus to be issued from 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 denied, without prejudice to raising substantive arguments on direct appeal.

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 June 23, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn, Justices.

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

-against-

M-2342  
Ind. No. 4354/03

Matthew Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Raymond L. Bruce, J.) entered on or about October 7, 2015, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made 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, Seymour W. James, Jr., Esq., 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 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 June 23, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn, Justices.

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

Alexandra G. S.,  
Petitioner-Respondent,

-against-

M-2438  
Docket No. O-19865/13

Daryl Jerome S.,  
Respondent-Appellant.

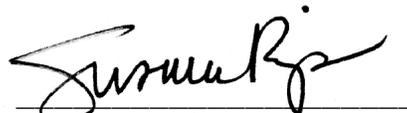
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about March 29, for assignment of counsel, a free copy of the transcript, and 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 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 June 23, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X  
In the Matter of a Support Proceeding

Charles U.,  
Petitioner-Appellant,

-against-

M-2111  
Docket No. F-41435-09/14B

Charlene U.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 5, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of appellate counsel, and for other 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 attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is 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 June 23, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,  
David B. Saxe  
Judith J. Gische  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X  
Raul Marquez,  
Plaintiff-Respondent,

-against-

171 Tenants Corp.,  
Defendant-Appellant,

M-2079  
Index No. 106616/11

David Kleinberg Levin and Kenneth  
Cook,  
Defendants-Respondents.

-----X  
(And third-party actions)

Defendant-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 8, 2015,

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 December 2016 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 June 23, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,  
Dianne T. Renwick  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Karen Gravano,  
Plaintiff-Respondent,

-against-

M-2621  
Index No. 151633/14

Take-Two Interactive Software, Inc.,  
and Rockstar Games,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the an order of the Supreme Court, New York County, entered on or about March 14, 2016,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated May 20, 2016, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Lovett, Silverman Construction,  
Plaintiff-Respondent,

-against-

M-2745X  
Index No. 110795/10

The Andalex Group,  
Defendant,

Alexander Silverman and Andrew  
Silverman,  
Non-Party Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 30, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Vasiliki Mendler,  
Plaintiff-Appellant,

-against-

M-2746X  
Index No. 401776/13

Joseph Mendler,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 22, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2797  
Ind. No. 4287/10

Kyle Robinson,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 5, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 20, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Cohen Ritz Retail Company, LLC,  
Plaintiff-Appellant,

-against-

M-2759  
Index No. 650288/14E

Manhattan ASC, LLC, doing business  
as Surgery Center of Manhattan, et  
al.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 21, 2015,

Now, upon reading and filing the stipulation of the parties hereto, filed May 18, 2016, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
NewOak Capital LLC and Newoak  
Capital Markets, LLC,  
Plaintiffs-Respondents,

-against-

M-2831  
Index No. 161478/14

Brean Strategic Advisors, LLC,  
Brean Capital, LLC, Robert Michael  
Fine, Robert Moyse Tirschwell and  
Alan Grant Quasha,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 29, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated May 25, 2016, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected, is withdrawn in accordance with the aforesaid stipulation.

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of

Lukes Jacob R.,

**M-2577**

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

Docket No. B-25946/14

- - - - -

Children's Aid Society,  
Petitioner-Respondent,

Cynthia R.,  
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., 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 the Family Court, Bronx County, entered on or about March 29, 2016, 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 J. 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 (FCS 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 the 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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2445  
Ind. No. 30163/15

Miguel Aponte,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Abraham Clott, J.) entered on or about March 2, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made 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 Clott as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 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 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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2447  
Ind. No. 3267/99

Gary Knight,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Neil Ross, J.) entered on or about April 14, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made 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 Ross as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 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 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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2516  
Ind. No. 2749/11

Lamont Brunson,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Konviser, J.) entered on or about April 6, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made 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 Konviser as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., 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 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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2564  
Ind. No. 1454/06

Albert Cotto,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (John Moore, J.) entered on or about February 25, 2016, 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 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made 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 Moore as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 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 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

Athena H.-M., M-1038A  
Petitioner-Appellant, Docket No. V-4912-08/15F

-against-

Samuel M.,  
Respondent-Respondent.

-----  
Bruce A. Young, Esq.,  
Attorney for the Child.

-----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 January 13, 2016, 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, Larry S. Bachner, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (917) 378-0176, 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 (FCS 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 the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered on April 14, 2016 (M-1038) is hereby recalled and vacated. (See M-2393, 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

Athena H.-M., **M-2393**  
Petitioner-Appellant, Docket No. V-4912-08/15F

-against-

Samuel M.,  
Respondent-Respondent.

-----  
Bruce A. Young, Esq.,  
Attorney for the Child.

-----X  
Seth M. Kaufman, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about January 13, 2016, and for assignment of appellate 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., 100 Church Street, Suite #800, New York, NY 10007, Telephone No. (212) 965-0050, as counsel for the child, Nicholas M., for purposes of responding to the appeal; (2) permitting movant to respond to the

appeal upon a reproduced respondent's 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. (See M-1038A, decided simultaneously herewith.)

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-----  
Alberto A., Jr.,  
Petitioner-Respondent,

**M-2407**  
Docket Nos. V-5220/13  
V-5219/13

-against-

Sasha A. R.,  
Respondent-Appellant.

-----  
Deborah Gould, Esq.,  
Children's Law Center,  
Attorney for the Children.

-----X  
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about January 15, 2016, 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., 100 Church Street, Suite #800, New York NY, 10007, Telephone No. (212) 965-0050, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Joaquin V.,  
Laila V.,  
Alexis W.,  
and Jeremiah V.,

**M-2387**  
Docket No. NA-30632-35/13

Children under 18 Years old Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

-----  
Commissioner of Social Services,  
Petitioner-Respondent,

Efrain V.,  
Respondent-Appellant.

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

Andrew J. Baer, Esq.,  
Attorney for the Children  
Joaquin V., Jeremiah V. and  
Laila V.

-----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 March 11, 2016, 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., 100 Church Suite #800, New York, NY 10007, 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 (FCS 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 the 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-2388, 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Joaquin V.,  
Laila V.,  
Alexis W.,  
and Jeremiah V.,

M-2388  
Docket No. NA-30632-35/13

Children under 18 Years old Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

- - - - -  
Commissioner of Social Services,  
Petitioner-Respondent,

Efrain V.,  
Respondent-Appellant.

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

Andrew J. Baer, Esq.,  
Attorney for the Children  
Joaquin V., Jeremiah V. and  
Laila V.

-----X

Craig S. Marshall, Esq., court attorney for the subject children Joaquin V., Jeremiah V. and Laila V., having moved on the childrens' behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 11, 2016, 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 J. Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's 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. (See M-2387, decided simultaneously herewith.)

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

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

Respondent,

-against-

**M-2187**

Ind. No. 1775/14

Juan Andino,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 9, 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 moving papers a timely filed notice of appeal.

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1745**

Ind. No. 642/05  
Case No. 8031C/05

Quindel Francis,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 17, 2010, for leave to have the appeal heard on the original record and upon 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

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

-against-

**M-2229**  
Ind. Nos. 5809/04  
49/05

Yuseiph Sidberry, also known as Yuseff  
Wiggins,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from two orders of the Supreme Court, New York County, entered on or about February 3, 2016 and March 21, 2016, 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 permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 8 copies thereof are filed with this Court, and assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, 10005, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

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 June 23, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Marcy L. Kahn, Justices.

-----X  
Frances C. Peters,  
Plaintiff-Appellant,

-against-

M-2613  
Index No. 600456/04

George Christy Peters, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 7, 2015,

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 October 2016 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X  
Maninder Bhugra,  
Plaintiff-Appellant,

-against-

**M-2370**  
Index No. 108217/06

Pilius Eleftherios and American  
Transit Insurance Co.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about May 13, 2015,

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 October 2016 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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X

The People of the State of New York,  
Respondent,

**M-1929**

-against-

Ind. No. 909/12

Maliek Malcolm,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 14, 2013 (M-5678), granting defendant poor person relief and assigning Steven Banks, Esq., succeeded by Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about July 11, 2012,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on August 30, 2013, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 753, 770.)

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 June 23, 2016.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter  
Ellen Gesmer, Justices.

-----X  
Scanio Movers, Inc., trading as  
Scanio Moving & Storage, Inc.,  
Plaintiff-Appellant,

Appeal No. 1  
**M-2642**

-against-

Index No. 651232/12

The Saratoga New York LLC, doing  
business as The Saratoga Condominium  
and The Saratoga Condominium,  
Defendants-Respondents.

-----X  
Board of Managers of The Saratoga  
Condominium,  
Plaintiff-Respondent,

Appeal No. 2  
Index No. 152906/12

-against-

Nir Schuminer,  
Defendant-Appellant.

-----X

In Appeal No. 1, plaintiff Scanio Movers, Inc., trading as Scanio Moving & Storage, Inc., appeals from an order of the Supreme Court, New York County, entered on or about July 30, 2015,

And, in Appeal No. 2 defendant Nir Schuminer appeals from a judgment of the Supreme Court, New York County, entered on or about June 5, 2015,

And, the appellants in both actions having jointly moved for consolidation of the aforesaid appeals, and an enlargement of time to perfect same,

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 Appeals No. 1 and No. 2 to the October 2016 Term. The Clerk is directed to calendar said appeals to be heard together on the same day for that 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 June 23, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent,

-against-

Abu S.,

Defendant-Appellant.  
-----X

**SEALED**  
M-2398  
Ind. Nos. 2648/14  
225/15  
2477/15

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 13, 2015, for leave to prosecute the appeal as a poor person upon 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 notice of appeal timely filed, 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 8 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) 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 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 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 June 23, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

Nicolae Calinescu,  
Plaintiff-Appellant,

-against-

167 LLC,  
Defendant-Respondent.

M-2196  
Index. No. 305717/11

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 10, 2016, for leave to have the appeal heard on the original record and upon 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 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 June 23, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-2515  
Ind. No. 4199/14

Barry Hamadou,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 10, 2015,

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 November 2016 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 June 23, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of the Application of  
the State of New York,  
Petitioner-Respondent,

For Civil Management Pursuant to  
Article 10 of the CPLR,

M-2285  
DC #27  
SCID No. 30237/12

-against-

Michael R.,  
Respondent-Appellant.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about February 7, 2014 and June 3, 2014, respectively,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and attorney for appellant having stated they consent to dismiss the aforesaid appeal,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 23, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

The People of the State of New York  
ex rel. Roy Taylor,  
Petitioner-Appellant,

-against-

M-2287  
DC #28  
Index No. 341016/13

Warden, Rikers Island Correctional  
Facility, et al.,  
Respondents-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 14, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is dismissed.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

Assured Guaranty Municipal Corp.,  
formerly known as Financial Security  
Assurance Inc., et al.,  
Plaintiffs-Appellants,

M-2218  
DC #3

-against-

Index No. 652837/11

DLJ Mortgage Capital, Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken to this Court by plaintiffs from the order of the Supreme Court, New York County, entered on or about July 7, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation dated May 23, 2016 withdrawing the aforesaid appeal,

Now, upon the Court's own motion, it is

Ordered that the motion is granted and the appeal is deemed 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 June 23, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X

In the Matter of

Destiny T.,

M-2349

D.C. #6

A Person Alleged to be a Juvenile  
Delinquent,

Docket No. D-11587/11

Appellant.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about December 17, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having been notified that appellant consents to dismissal of the aforesaid appeal,

Now, upon the Court's own motion, it is

Ordered that the aforesaid appeal is deemed 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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
In the Matter of the Application of  
Yong Chao Liu,  
Petitioner-Appellant,

For a Judgment Under Article 78 of  
the CPLR, etc.,

-against

M-2243  
DC # 17  
Index No. 100700/14

Thomas Fariella, etc., et al.,  
Respondent-Respondent.

-----X

An appeal having been taken to this Court by petitioner from the order of the Supreme Court, New York County, entered on or about September 5, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the September 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2254  
DC #4  
-against- Ind. No. 5530/12

Hamadou Barry,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 11, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2265  
DC #11  
-against- Ind. No. 1311/11

Enemud Chukwudkie,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2011,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2267  
DC #12  
-against- Ind. No. 3124/11

LeShawn Clinkscales,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 9, 2012,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2277  
DC #20  
-against- Ind. No. 3410/12

Jose Espinal,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 7, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2308  
DC #40  
-against- Ind. No. 1940/10

Devon McGee,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 1, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2319  
DC #50  
-against- Ind. No. 287N/12

Semira Ramirez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 9, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

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

Respondent, M-2321  
DC #52  
-against- Ind. No. 1905/11

Lazarus Roseboro,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 21, 2013,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Barbara R. Kapnick  
Marcy L. Kahn, Justices.

-----X  
Alty Adamson,

Plaintiff-Appellant,

M-2357

DC #2

-against-

Index No. 401695/12

Macy's Inc., et al.,

Defendants-Respondents.  
-----X

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about April 16, 2014,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2016, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the October 2016 Term of this Court and counsel is directed to so perfect.

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 June 23, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Troy K. Webber  
Ellen Gesmer, Justices.

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

-against-

M-2250  
Ind. No. 5890N/11

Mariandis Almonte,  
Defendant-Appellant.

-----X

Assigned counsel for defendant-appellant having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 18, 2012, as abandoned,

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

✓

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,

M-1740  
Ind. No. 4363/2000

-against-

CERTIFICATE  
DENYING LEAVE

Donovan Byfield,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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, Bronx County, entered on or about February 17, 2016, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: June 7, 2016  
New York, New York

ENTERED: JUN 23 2016

✓

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-1863  
Ind. No. 655/13

-against-

CERTIFICATE  
DENYING LEAVE

Tremayne Drakeford,  
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 of the Supreme Court, New York County (Hon. Jill Konviser), entered on or about November 10, 2015 is hereby denied.

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

Dated: May 27, 2016  
New York, New York

ENTERED: JUN 23 2016

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

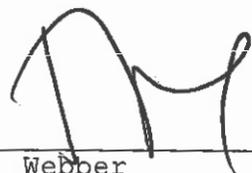
BEFORE: Hon. Troy K. Webber  
Justice of the Appellate Division

-----X  
The People of the State of New York,  
Respondent,  
  
-against-  
  
Steven Bingaman,  
Defendant-Appellant.  
-----X

M-2491  
Ind. No. 6331/10 & 2275/11  
  
CERTIFICATE  
GRANTING LEAVE

I, Troy K. Webber, 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, New York County (Neil E. Ross, J), entered on or about March 30, 2016.<sup>1</sup>

Dated: June 7, 2016  
New York, New York



\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

**ENTERED**

**JUN 23 2016**

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.