

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

BEFORE: Hon. Barbara R. Kapnick
Justice of the Appellate Division

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

M-4016
Ind. No. 7014/96
5848/96

-against-

Michael Marengo,
Defendant.

-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County, entered on or about, February 26, 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 denied.



Hon. Barbara R. Kapnick
Associate Justice

Dated: November / , 2016
New York, New York

ENTERED: NOV 10 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-4427
Ind. No. 07040-93

-against-

Nathaniel Battle,

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 July 14, 2016, of the Supreme Court, New York County (Patricia Nunez, J), is hereby denied.



Associate Justice

Dated: October 5, 2016
New York, New York

ENTERED: **NOV 10 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-4425
Ind. No. 1815/12

-against-

Domingo Ricart,

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 July 21, 2016, of the Supreme Court, New York County (Ruth Pickholz, J), is hereby denied.

Associate Justice

Dated: October 5, 2016
New York, New York

ENTERED: NOV 10 2016

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 November 10, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x
The Nonhuman Rights Project, Inc.,
on behalf of Kiko,
Petitioner-Appellant,

-against-

M-4175A
Index No. 150149/16

Carmen Presti, et al.,
Respondents-Respondents.
-----x

A motion having been made by petitioner-appellant to this Court to appeal, as of right, from a memorandum decision and order, hereby deemed a judgment under CPLR 7011, of Supreme Court, New York County, entered on or about January 29, 2016, in which Supreme Court declined to sign an Order to Show Cause seeking the issue of a writ of habeas corpus,

And an order by a Justice of this Court, having been entered on July 28, 2016, denying petitioner-appellant's motion to appeal as of right from the aforesaid January 29, 2016 judgment,

And petitioner-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of a Justice of this Court, entered on July 28, 2016,

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

It is ordered that that branch of the motion which seeks reargument is granted, and upon reargument, the order of this Court, entered October 25, 2016 (M-4175), is hereby recalled and vacated, and the motion brought by petitioner-appellant for leave to appeal, as of right, from the January 29, 2016 judgment of Supreme Court refusing an order to show cause (CPLR 7011), 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 November 10, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
David K. Bialik,

Plaintiff-Appellant-Respondent,

-against-

M-5324

Index No. 156898/13

AXA Equitable Life Insurance Company,
formerly known as The Equitable Life
Assurance Society of the United States,

Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 12, 2016, and the appeals having been perfected,

And, defendant-respondent-appellant having moved for leave to supplement the record on appeal with plaintiff's deposition transcript,

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, and, sua sponte, the brief filed by defendant-respondent-appellant on November 2, 2016 is stricken. The perfected appeal and cross appeal are adjourned to the January 2017 Term, and defendant is directed to file a replacement brief on or before December 7, 2016 for said January 2017 Term, containing no references to the proposed supplemental materials.

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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4092
Ind. No. 2731/15

Oscar Jiggetts,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 29, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

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

-----X
Afame Onwuka,

Plaintiff-Appellant,

-against-

M-4486
Index No. 102205/15

Deepak Shah, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 15, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied and, sua sponte, the appeal is dismissed as being taken from a non-appealable order.

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 November 10, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Edwin R. V.,
Plaintiff-Respondent,

CONFIDENTIAL

M-4643

-against-

Index No. 5286/10

Marileysi V.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 18, 2014,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal,

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

Ordered that the motion is denied as academic.

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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

Demtrious Pickering,
Defendant-Appellant.

M-3777
Ind. Nos. 767/15
2892/14
1366/15

-----X

An order of this Court having been entered on July 28, 2016 (M-2725) assigning Marika Meis, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 17, 2016; and a motion having been made to relieve such 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 striking the designation of assigned counsel Marika Meis, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4078
Ind. No. 3664/92

Alexis Irizarry,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 28, 2016 (M-2335) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 10, 2015, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4096
Ind. No. 1140/14

Marcus Tittle,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 1, 2015 (M-5363) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 25, 2015, and assigning Seymour W. James Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 10, 2016.

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

-----X

HSH Nordbank AG, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Morgan Stanley, et al.,
Defendants-Appellants-Respondents,

M-4946
Index No. 652988/12

-and-

Natixis Real Estate Capital LLC, etc.,
Defendant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected, are 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 November 10, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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

-against- M-4267
Ind. No. 799/14

Francisco Aguilar,
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 August 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

M-4268
SCI No. 1188/15

Dwight McClain,
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 May 19, 2015, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

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

-against-

M-4269
Ind. No. 2792/14

Anthony Lugo,
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 June 2, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

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

-against-

CONFIDENTIAL
M-4539
SCI No. 3472/13

Devin D.,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 27, 2016, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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 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.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 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

Rachel D.,
and Genesis D.,

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

M-4241
Docket Nos. NA-4215/11
NA-4216/11

- - - - -
The Administration for Children's
Services, Commissioner of Social
Services,
Petitioners-Respondents,

Luis N.,
Respondent-Respondent,

Sandy D.,
Respondent-Respondent.

- - - - -
Rachel D. and Genesis D.,
Respondents-Appellants/Children.

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

-----X

Lisa M. Licata, Esq., court attorney for respondent-respondent mother Sandy D., having moved on the mother's 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 July 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-6800, 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 respondents-appellants 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 November 10, 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/Visitation Under Article 6 of the Family Court Act.

- - - - -

Martha V.,
Petitioner-Respondent,

M-4676
Docket Nos. V-51422-09/15C
V-51423-09/15C

-against-

Tony R.,
Respondent-Appellant.

- - - - -

Kenneth M. Tuccillo, Esq.,
Attorney for the Children.

-----X

Alexander M. Carlin, Esq., trial court attorney for the subject children, having moved on the children'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 6, 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, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hastings On Hudson, NY 10706, Telephone No. 914-439-4843, 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-4677, 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 November 10, 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/Visitation Under Article 6 of the Family Court Act.

- - - - -

Martha V.,
Petitioner-Respondent,

M-4677
Docket Nos. V-51422-09/15C
V-51423-09/15C

-against-

Tony R.,
Respondent-Appellant.

- - - - -

Kenneth M. Tuccillo, Esq.,
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, New York County, entered on or about January 6, 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, Susan Barrie, Esq., 401 Broadway, Suite #1902, New York, NY 10013, Telephone No. 917-612-5999, 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-4676, 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 November 10, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Joshua Watson,
Plaintiff-Respondent,

-against-

The City of New York, et al.,
Defendants-Appellants.

M-4502
Index No. 306472/10

-----X

Defendants-appellants having moved for an enlargement of time to perfect the consolidated appeals from the orders of the Supreme Court, Bronx County, entered on or about November 26, 2014 and December 1, 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 consolidated appeals to the March 2017 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 November 10, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4517
Ind. No. 2135/13

Taye L. Elleby,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 5, 2014, 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 November 10, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-1747
Ind. No. 1133/90

Paul Davila, also known as Paul Davilla,
Defendant-Respondent.

-----X

A decision and order of this Court having been entered on April 28, 1998 (Appeal No. 59885), unanimously affirming a judgment of the Supreme Court, Bronx County (William Wallace III, J.), rendered on July 8, 1993,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 November 10, 2016.

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

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

-against-

M-3599
Ind. No. 3264/05

Tyrone Rolle,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 3, 2009 (Appeal No. 5164), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on September 8, 2016,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 November 10, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Richard T. Andrias, Justices.

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

-against-

M-3761
Ind. No. 12723/91

Jamel Eaddy, also known as Jamal Eaddy,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on January 16, 1997 (Appeal No. 59626), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on June 16, 1993,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 November 10, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Jennifer M. Pugh,

Petitioner-Appellant,

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

M-5028
Index No. 101000/12

-against-

City of New York,

Respondent-Respondent.
-----X

Petitioner-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 April 26, 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 directing petitioner-appellant to perfect the appeal on or before December 5, 2016 for the February 2017 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 November 10, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
J. Armand Musey,
Plaintiff-Appellant-Respondent,

-against-

M-4852

Index No. 157316/14

425 East 86 Apartments Corp.,
Defendant-Respondent-Appellant,

Douglas Elliman Property Management,
et al.,
Defendants-Respondents.

-----X

Defendant-respondent-appellant having moved for a further enlargement of time to perfect the appeal and cross appeal taken from an order of the Supreme Court, New York County, entered on or about July 16, 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 and cross appeal to the March 2017 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 November 10, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X
Luis Acevedo and Susan Acevedo,
Plaintiffs-Respondents,

-against-

M-5062
Index No. 116194/02

A.P. Green Industries, Inc., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X
Peter C. Liman and Regine Feinstein,
Plaintiffs-Respondents,

-against-

M-5063
Index No. 190217/12

Air & Liquid Systems Corp., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X
Sarantis Markou and Hariklia Markou,
Plaintiffs-Respondents,

-against-

M-5066
Index No. 190315/13

Air & Liquid Systems Corp., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

(M-5062/M-5063/M-5066/
M-5067/M-5069)

November 10, 2016

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X

Dolores Breschard, as Personal
Representative for the Estate of Robert
J. Breschard, and Dolores Breschard,
Individually,
Plaintiffs-Respondents,

-against-

M-5067
Index No. 100564/06

A.O. Smith Water Products, Co., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X

Angelina Maldonado, as personal
representative of the Estate of Tomas
Maldonado, Jr., and Angelina Maldonado,
Individually,
Plaintiffs-Respondents,

-against-

M-5069
Index No. 101375/05

A.O. Smith Water Products, Co., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant in the above-named actions having
moved for an enlargement of time to perfect the appeals taken
from the orders of the Supreme Court, New York County, entered
on or about August 13, 2013, September 26, 2013, August 28, 2013,
December 4, 2013 and September 11, 2014, respectively,

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 the respective appeals to the May
2017 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 November 10, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
New York Civil Liberties Union,
Petitioner-Respondent,

-against-

M-5156
Index No. 102436/12

New York City Police Department, and
Raymond Kelly, in his official capacity
as Commissioner of the New York City
Police Department,
Respondents-Appellants.

-----X

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

And Advance Publications, Inc., the Associated Press, Daily News, L.P., Dow Jones & Company, Inc., Gannet Co., Hearst Corporation, the New York Times Company, News 12 Networks, Newsday, and NYP Holdings, Inc., having moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted, and movants are directed to file 9 copies of the brief amici curiae in the form attached to the moving papers, immediately.

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 November 10, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
National Restaurant Association,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-4679**
of the Civil Practice Law and Rules, Index No. 654024/15

-against-

The New York City Department of Health
& Mental Hygiene, et al.,
Respondents-Respondents.

- - - - -
American Heart Association, et al.,
Amici Curiae.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2016, and said appeal having been perfected,

And, American Heart Association, et al., having jointly moved for leave to file a brief amici curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing American Heart Association, et al., to file an original and 9 copies of a brief amici curiae in the form of Exhibit C to the motion papers immediately.

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 November 10, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-3750
Ind. No. 4192/08

Julio Moronta,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 5, 2012 (Appeal No. 7565), unanimously affirming a judgment of the Supreme Court, New York County (A. Kirke Bartley, Jr., J.), rendered on March 24, 2010,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 November 10, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
Joseph P. Carroll Ltd.,
Plaintiff-Appellant,

-against-

M-3596
Index No. 652091/14

Theodore Ping-Shen,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on June 21, 2016 (Appeal No. 1507),

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 November 10, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Marcy L. Kahn, Justices.

-----X

Peter Davey,
Plaintiff-Appellant,

-against-

M-2397
Index No. 100500/13

Jones Hirsch Connors & Bull P.C.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for modification of, or reargument/reconsideration of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court entered on April 5, 2016 (Appeal No. 715),

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 November 10, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Ellen Gesmer, Justices.

-----x
Clean Air Options, LLC, et al.,

Plaintiffs-Respondents,

-against-

Humanscale Corporation,

Defendant-Appellant.
-----x

M-4410
Index No. 654595/12

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about April 12, 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 denied, as moot.

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 November 10, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Karla Moskowitz
Ellen Gesmer, Justices.

-----x
Nader & Sons, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-4454
Index No. 650942/14

Hazak Associates, LLC,

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 September 24, 2015,

And Harris J. Zakarin, P.C., having moved for leave to withdrawn as counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is denied, as unnecessary.

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 November 10, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
Bardyl R. Tirana,
Plaintiff-Appellant,

-against-

M-2926
Index No. 153109/12

AXA Equitable Life Insurance Company,
Defendant-Respondent.
-----X

A decision and order of this Court having been entered on February 2, 2016 (Appeal No. 78) reversing the order of the Supreme Court, New York County, entered on or about July 9, 2014,

And, plaintiff-appellant having moved for costs on the appeal pursuant to CPLR § 107 and 22 NYCRR 600.13, and for other 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 plaintiff-appellant being awarded from defendant-respondent \$5,622.28 consisting of (a) statutory costs of \$250.00 under CPLR 8203(a) for an appeal to the Appellate Division; and (b) \$5,372.28 in disbursements for printing (\$3,525.17 for the appendix, \$771.63 for the appellant's brief, \$868.08 for appellant's reply brief, and \$207.40 for the opposition to defendant's motion for reargument [see Exhibit A to the moving papers]).

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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----x
In the Matter of the Application of
Pilar Torres,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4349
of the CPLR, Index No. 100831/15

-against-

New York City Housing Authority,
Respondent-Respondent.
-----x

Respondent-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about October 7, 2015, for failure to timely prosecute,

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

It is ordered that the motion is granted and the 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Garthon Business Inc., et al.,

Plaintiffs-Appellants,

-against-

Kirill Ace Stein, et al.,

Defendants-Respondents.
-----x

M-4478
Index No. 653715/14

Defendant-respondent Aurdeley Enterprises Limited having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 19, 2016, as untimely taken (CPLR 5513[a]),

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

It is ordered that the motion is granted and the 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Larisa Melnik,

Plaintiff-Appellant,

-against-

Paul Wolsk, Esq., et al.,

Defendants-Respondents.
-----x

M-4476
Index No. 105492/11

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about February 4, 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 denied and, sua sponte, the 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----x
Sergei Khramstov,

Plaintiff-Appellant,

-against-

New York City Transit Authority,

Defendant-Respondent.
-----x

M-4480
Index No. 102982/05

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the purported appeal from a jury verdict sheet, Supreme Court, New York County, entered on or about September 14, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied in its entirety and, sua sponte, the 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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against- M-3818
Ind. No. 4122/14

Johnathan Hanna,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 20, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against- M-3971
Ind. No. 3836/15

Maurice A. Goode,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 16, 2016 and from the judgment of resentence rendered on or about July 29, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against- M-4117
Ind. No. 1661/16

Darryl Gaymon,
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 August 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against- M-4118
Ind. No. 2764/14

Mekhi Muhammad,
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 May 26, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-4475
Ind. Nos. 1953/02
847/06

Jacobo Feliz,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 29, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4512
Ind. No. 1632/07

Anthony Joyner,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on June 28, 2016 (M-2706), granting defendant leave to appeal to this Court, pursuant to CPL § 460.15, from the order of the Supreme Court, New York County, entered on or about April 14, 2016,

And defendant having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against-

M-4094A
Ind. Nos. 1087/12

Andre Dennis, also known as Denise
Dennis,
Defendant-Respondent.

-----X

Defendant-respondent having moved, by separate orders, for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about July 18, 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 (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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. The order of this Court entered on October 20, 2016 (M-4094/M-4095) is hereby recalled and vacated. (See M-4095A, 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against-

M-4095A
Ind. No. 1/13

Andre Dennis, also known as Denise
Dennis,
Defendant-Respondent.

-----X

Defendant-respondent having moved, by separate orders, for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about July 28, 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 (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, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. The order of this Court entered on October 20, 2016 (M-4094/M-4095) is hereby recalled and vacated. (See M-4094A, 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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4114
SCI No. 3229/15

Aneudy Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 11, 2016 (M-2997) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 3, 2016, and assigning Karen Smolar, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Karen Smolar, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 10, 2016.

PRESENT - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Judith J. Gische
Marcy L. Kahn, Justices.

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

-against-

M-4230
Ind. No. 2039/14

Santos Matos,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 10, 2015 (M-4948) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 11, 2015, and assigning Seymour W. James, Jr., Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Seymour W. James, Jr., Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. (212) 577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-4573
Ind. No. 5140/12

Marvin Alston,

Defendant-Appellant.
-----x

Defendant-appellant 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 May 30, 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 March 2017 Term, with leave to seek a further enlargement, if necessary.

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 November 10, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
US Bank National Association, etc.,
et al.,
Plaintiffs-Respondents,

-against-

M-4548
Index No. 381069/12

Georgia Ferguson, Cheryl Campbell-Edwards,
Connolly E. Edwards, et al.,
Defendants-Appellants,

Equitable Ascent Financial LLC, et al.,
Defendants.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about June 25, 2015, September 9, 2015, from a judgment entered October 16, 2015, and an order entered January 28, 2016, respectively,

And defendants-appellants having moved for an enlargement of time to perfect 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 enlarging the time to perfect the aforesaid appeals to the May 2017 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 November 10, 2016.

Present: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Embassy House Eat LLC,
Petitioner-Appellant,

CONFIDENTIAL

M-4640

-against-

Index No. 500099/15

Dyan P., by her Article 81 Guardian
J.,

Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 12, 2016,

And, petitioner having moved to stay trial of the summary nonpayment proceeding and all issues relating thereto pending hearing and determination of 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 staying the summary proceeding trial on condition petitioner perfects its appeal on or before December 5, 2016 for the February 2017 Term. The granting of said stay is not extended to the separate order requiring correction of the violations against the petitioner involving respondent's apartment.

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 November 10, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Ellen Gesmer, Justices.

-----X
Janice Shapiro,
Plaintiff-Respondent,

-against-

M-4609
Index No. 159318/14

North 43rd, LLC, doing business as
Tony's Dinapoli and Tri-State
Management Corp.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 21, 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 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 November 10, 2016.

Present - Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

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

Respondent,

-against-

M-4530
Ind. No. 6190/02

Norgado Vasquez,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County (Carro, J.), entered on or about February 9, 2016,

And defendant-appellant having moved to enlarge the record on appeal to include a copy of a document annexed as Exhibit C to the moving papers,

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-appellant to file a supplemental record on appeal containing the documents set forth as Exhibit C to the moving papers, immediately.

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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,

Justices.

-----X
In the Matter of a Support Proceeding
Under Article 4 of the Family Court
Act.

Jeffrey G.,
Petitioner,

-against-

M-5430
Docket No. F-40485-15/15A

Stacey S.,
Respondent.

-----X
A Judgment of Divorce of the Supreme Court, New York County, having been entered October 23, 2013 (Index No. 303304/13),

And, respondent having moved under CPLR 5704(a) for an order of this Court directing the New York County Family Court Support Magistrate to issue an order to show cause which the Magistrate had declined to sign,

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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-

Luis Bonilla,
Defendant-Appellant.

M-5474
DC #4
Ind. No. 4793/12

-----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 October 16, 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,
Justice Presiding,
Justices.

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

-against-
Kevin L. Brathwaite,
Defendant-Appellant.

M-5475
DC #5
Ind. No. 682/11

-----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 July 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-
Manuel Castellanos,
Defendant-Appellant.
-----X

M-5476
DC #6
Ind. No. 898/12

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 2, 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-
Albert Cruz,
Defendant-Appellant.
-----X

M-5477
DC #7
Ind. Nos. 3796N/12
1963/11

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 30, 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-
Dagoberto Garcia,
Defendant-Appellant.
-----X

M-5479
DC #8
Ind. No. 5459N/10

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-
Samuel Garcia,
Defendant-Appellant.
-----X

M-5480
DC #9
Ind. No. 976/12

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 26, 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. David Friedman,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick,

Justice Presiding,
Justices.

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

-against-
Michael A. Tammaro,
Defendant-Appellant.
-----X

M-5492
DC #21
Ind. No. 4947/12

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 26, 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 October 27, 2016, pursuant to 22 NYCRR § 600.12(c), 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 February 2017 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 November 10, 2016.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Diane T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Donnell Baines,
Petitioner-Appellant,

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

M-4433
M-4673
Index No. 400465/14

-against-

The Port Authority of New York and
New Jersey,
Respondent-Respondent.

-----X

Respondent-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about August 4, 2014 (M-4433),

And, petitioner-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-4673),

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 is granted and the appeal is dismissed (M-4433); the cross motion to enlarge the time to perfect the appeal is denied, as academic (M-4673).

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 November 10, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

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

-against-

M-3202
Ind. No. 2841/15

David Medina,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 16, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

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

-against-

M-3364
Ind. Nos. 3403/12
3113/14

Orson Allen,
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 April 22, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

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

-against-

M-3365
Ind. Nos. 2196/14
3053/15

Darius Trotman,
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 June 30, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber
Marcy L. Kahn, Justices.

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

Oliver A., M-4708
Petitioner-Respondent, Docket Nos. V-15193/15
V-15194/15
-against-

Diana Pina B.,
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 June 15, 2016, and for assignment of counsel, a free copy of the transcript, and to extend a stay issued by this Court (M-3143, entered on August 25, 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 continuing the stay and (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 therefor¹ **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

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

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

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 November 10, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Marcy L. Kahn, Justices.

-----x

Ambac Assurance Corporation, et al.,
Plaintiffs-Respondents,

-against-

CONFIDENTIAL

M-5081

Index No. 651612/10

Countrywide Home Loans, Inc., et al.,
Defendants-Appellants,

-and-

Bank of America Corp.,
Defendant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 27, 2015, and said appeal having been perfected,

And plaintiffs-respondents having moved for leave to file a supplemental record on appeal or, in the alternative, to strike defendant-appellants' brief upon the grounds it relies on material de hors the record,

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 plaintiffs-respondents to file nine copies of a supplement to the record in the form proposed in the moving papers, immediately.

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 November 10, 2016.

PRESENT - Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4645
Ind. No. 4590/07

Dwight Smith,
Defendant-Appellant.

-----X

Respondent People having moved for reargument of the decision and order of this Court entered on August 25, 2016 (Appeal No. 16558),

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 November 10, 2016.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Paul G. Feinman
Marcy L. Kahn, Justices.

-----x

Notte Restaurant Corp. and Steven Salsberg,
Plaintiffs-Respondents,

-against-

Action No. 1
M-5059
Index No. 600027/09

1626 Second Avenue, LLC,
Defendant-Appellant.

- - - - -

1626 Second Avenue, LLC,
Plaintiff-Appellant,

-against-

Action No. 2
Index No. 603492/09

Steven Salsberg and Nick Camaj,
Defendants-Respondents.

-----x

Appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 5, 2015, and said appeals having been perfected,

And respondents in Action No. 1, Notte Restaurant Corp. and Steven Salsberg, and respondent Steven Salsberg in Action No. 2, having moved for an order striking the first complete paragraph of reply Point II in the appellant's reply brief,

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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

CONFIDENTIAL
M-3772
SCI No. 705/16

Rolando Calderon,
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 April 13, 2016, 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 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 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3383
Ind. No. 807/15

Jordan Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 5, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3497
Ind. No. 1020/16

Jean Moise,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 9, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3498
Ind. No. 1386/15

Jean Moise,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 9, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3770
Ind. No. 878/12

Kaseem Moye,
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 April 29, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3771
Ind. No. 1039/14

Luis Vargas,
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 July 5, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3773
Ind. No. 2861/13

Melvin Davis,
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 July 15, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3826
Ind. Nos. 3694/14
2393/14

Kermit Irizarry,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 30, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3829
Ind. No. 3279/13

Joseline Rivera,
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 May 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-3881
Ind. No. 1232/09

Michael Rutledge,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 3, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 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 November 10, 2016.

PRESENT - Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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

-against-

M-4034
Ind. No. 1766/16

Zaquyon Combs,
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 July 18, 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 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 8 copies of such brief, together with the original record, with 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK