

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 7, 2019.

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

-----X
Emmett A. Hanratty,

Plaintiff-Respondent,

-against-

M-7558

Index No. 159320/14

56 Leonard LLC and Lend Lease (US)
Construction LMB, Inc.,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 5, 2018 and January 8, 2019,

Now, upon reading and filing the stipulation of the parties hereto, dated September 26, 2019, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected, are deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

Mayra Collado,
Plaintiff-Respondent,

-against-

M-7560
Index No. 157774/14

New York City Housing Authority,
Defendant-Appellant.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about February 25, 2019 and from the so ordered transcript entered on or about March 26, 2019,

Now, upon reading and filing the correspondence from the attorney for defendant-appellant dated September 24, 2019, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid correspondence.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
Highland Crusader Offshore
Partners, L.P., Highland Credit
Opportunities CDO, Ltd, Highland Credit
Strategies Master Fund, L.P., Highland
Restoration Capital Partners Master, L.P.,
and Nexpoint Credit Strategies Fund,
Plaintiffs-Respondents,

-against-

M-7561
Index No. 653486/16

Targeted Delivery Technologies
Holdings, Ltd., Targeted Delivery
Technologies, Ltd., Celtic Pharmaceutical
Holdings, L.P., Celtic Pharma Development
Services Bermuda, Ltd, Celtic
Therapeutics Management LLLP, doing business
as Auvén Therapeutic Management LLLP and as
Successor-in-interest to Celtic Pharma
Management, L.P., Celtic Pharma
Management Company, Ltd., Celtic Pharma
Fix, Ltd, Celtic Pharma Fix Venture, Ltd.,
Stephen Evans-Freke and John Mayo,
Defendants-Appellants.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2018,

Now, upon reading and filing the stipulation of the parties hereto, dated September 18, 2019, and due deliberation having been had thereon,

It is ordered that the appeal taken by defendant-appellant Stephen Evans-Freke is deemed withdrawn in accordance with the aforesaid stipulation.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
Berenthal & Associates, P.C. and
Rodriguez, Tramont and Nuñez, P.A.,
Plaintiffs-Appellants,

-against-

M-7563

Index No. 656892/17

Helga Wall-Apelt, M.D.,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 18, 2019,

Now, upon reading and filing the correspondence from the attorney for plaintiffs-appellants dated September 26, 2019, and due deliberation having been had thereon,

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
Gregory Aponte,
Plaintiff-Respondent,

-against-

M-7685
Index No. 304306/15

Keizer Morris International, Inc. and
Michael Dean McGuckin,
Defendants-Appellants.

Melania Rivas,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 13, 2019,

Now, upon reading and filing the correspondence from counsel for defendants-appellants, dated October 3, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

Katherine Liggett,
Plaintiff-Appellant,

-against-

M-7686
Index No. 159009/17E

York Preparatory School, Inc. and
Ethan Levy,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 27, 2019,

Now, upon reading and filing the correspondence from counsel for plaintiff-appellant, dated September 27, 2019, and due deliberation having been had thereon,

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
In the Matter

Xzandria B.,
Xzavier B.,
I-Concious R.,
I-Majestic A.

CONFIDENTIAL

M-7471
Docket No. NA-42105-8/16

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

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

Nasheen B.,
Respondent-Appellant,

Lara R.,
Respondent-Respondent,

Janet E. Sabel, Esq., The Legal Aid Society, Attorney for the Children.

-----X
In the Matter of

Xzandria B.,
Xzavier B.,

Docket No. V-22937-8/17

A Proceeding for Custody/Visitation Under Article 6 of the Family Court Act.

-----X
Respondent-respondent mother, having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about October 3,

2018, and for assignment of counsel, a free copy of the transcript, and for related relief, the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Emily S. Wall, Esq., dated September 25, 2019, 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, the Center for Family Representation, 40 Worth Street, Suite 605, New York, New York 10013, Telephone No. (212) 691-0950, 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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. The Clerk of the Court is directed to adjourn the perfected appeal to the January 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
In the Matter of

Ashlynn R.,
Yeovanny R.,

Confidential
M-7479

Docket Nos. NA-42584/16
NA-42585/16

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

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

Maria R.
Respondent,

Yeovany R.,
Respondent-Appellant.

- - - - -
Janet E. Sabel, Esq., The Legal
Aid Society,
Attorney for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about September 18, 2019, 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 the certification of Kate Ferguson, Esq., dated September 30, 2019, 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, Neighborhood Defender Services of Harlem, 317 Lenox Avenue, 10th Floor, New York, New York 10027,

Telephone No. 212-876-5500, 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 Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X
In the Matter

Luna M.,
Jayden M.,
Marisol M.,

CONFIDENTIAL

M-7484
Docket Nos. NN-610-18
NN-2886-17
NN-21769-18

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

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

Estefany M.,
Respondent-Appellant,

Ricardo M.,
Respondent-Respondent,

Janet E. Sabel, Esq., The Legal Aid Society, Attorney for the Children.
-----X

Respondent-respondent having moved for leave to respond as a poor person, to the appeal taken from an order of the Family Court, New York County, entered on or about July 9, 2019, 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 the certification of Emily S. Wall, Esq., dated September 25, 2019, 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, the Center for Family Representation, 40 Worth Street, Suite 605, New York, New York

(M-7484)

-2-

November 7, 2019

10013, Telephone No. (212) 691-0950, 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 each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

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

Linda H.,
Petitioner-Appellant,

CONFIDENTIAL

M-7498

Docket No. O-24835/16

-against-

Ahmad S.,
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about March 13, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief, the appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and the certification of Debbie Jonas, Esq., dated September 10, 2019, 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 S. Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York 11753, Telephone No. (603) 313-1951, 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

(M-7498)

-2-

November 7, 2019

brief be served upon the attorney for each party to the appeal, and an original and five hard copies, and if represented by counsel, one digital copy of such brief, are filed with this court, pursuant to 22 NYCRR Section 1250.9. The Clerk is directed to adjourn the appeal to the January 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7206
Ind. No. 331/17

Stepfane Gilliam,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7207
Ind. No. 827/17

Andre Johnson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about May 29, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7208
Ind. No. 4590/18

Jose Vega,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 26, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7209
Ind. No. 2768/18

Wayne Manning,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about July 18, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

Dalu Fleming,

Defendant-Appellant.
-----X

M-7210
Ind. No. 4250/18
SCI No. 2638/18

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

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7259
Ind. No. 2193/17

Anthony Tirado,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 9, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

Domingo Ortiz,

Defendant-Appellant.
-----X

M-7348

Ind. Nos. 1802/18
2685/18

Defendant having moved for leave to prosecute, as a poor person, the appeals taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 3, 2019, for leave to have the appeals 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 appeals to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

Respondent,

-against-

M-7352

Ind. No. 1085/19

Teeshawn Moore,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7417

-against-

Ind. No. 2312/18

Hasan Kenyata,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 14, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2019,

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

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

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

(M-7417)

-2-

November 7, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7418

-against-

Ind. No. 4562/18

Naimah Hayes,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 14, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2019,

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

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

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

(M-7418)

-2-

November 7, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7419

Ind. No. 4290/18

Vernon Miller,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 15, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7421

-against-

Ind. No. 2953/18

Jacob Parker,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 15, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2019,

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

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

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

(M-7421)

-2-

November 7, 2019

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019

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

-----X

The People of the State of New York,
Respondent,

M-7431

-against-

Ind. No. 636/17

Alkeam Jones,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 14, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2019,

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

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

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

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

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7432

-against-

Ind. No. 361/17

Linnel Odom,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about April 9, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 15, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7433

-against-

Ind. No. 659/17

Dominique Parrott,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 7, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 6, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7443

-against-

Ind. Nos. 1323/18
2495/18

Raul Mercedes,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 1, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7452

-against-

Ind. No. 2773/16

Jeffery Haischer,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 23, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgement of the Supreme Court, New York County, rendered on or about May 6, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7458
Ind. No. 770/17

Frankie Santana,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 28, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2019,

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

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

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

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, NYY 10594-1139, Telephone No. 914-434-5935, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7459

Ind. No. 3947/17

Zephaniah Hulcome,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 28, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 1, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

M-7466

-against-

Ind. No. 2358/17

Darren Mayers,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about May 17, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 17, 2019,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7487
Ind. No. 2417/16

Angel Garcia,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7536
Ind. No. 2301/17

Frankie Santana,
Defendant-Appellant.

-----X

An order of the Supreme Court, New York County, having been entered on or about May 28, 2019, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2019,

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

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

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

Marianne Karas, Esq., 980 Broadway, Suite 324, Thornwood, NY 10594-1139, Telephone No. 914-434-5935, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7546
Ind. No. 2828/15

Angel Garcia,
Defendant-Appellant.

-----X

Defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about May 3, 2018, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

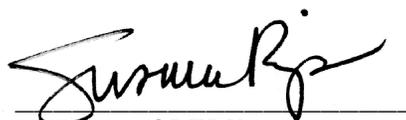
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7599
Ind. No. 2571/18

Kevin Avila, also known as, Kevin
Awilda,
Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about June 5, 2019, inter alia, granting defendant-appellant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 3, 2019,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

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

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

(M-7599)

-2-

November 7, 2019

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

ENTERED:

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

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 7, 2019.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-7602
Ind. Nos. 2788/17
2883/17

Sandra Echavarria,
Defendant-Appellant.

-----X

Orders of the Supreme Court, Bronx County, having been entered on or about June 6, 2019, inter alia, granting defendant-appellant poor person relief with respect to the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about May 30, 2019,

Now, upon reading and filing the orders which granted defendant poor person relief on appeal, and which directed trial counsel to file a notice of appeal on defendant's behalf,

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

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

(M-7602)

-2-

November 7, 2019

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

ENTERED:

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

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 7, 2019.

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

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

-against-

M-7547
Ind. No. 2376/17

Jorge Bardales,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 19, 2018 (M-2174), inter alia, granting defendant-appellant's motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about December 5, 2017, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order of assignment to include the judgment of **resentence**, same Court, rendered on or about September 9, 2019,

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

It is ordered that said motion is granted to the extent of amending the order of assignment to include the judgment of **resentence** and extending the poor person relief previously granted to cover same. The time within which appellant shall perfect the appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

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

-against-

M-7827
Ind. No. 6788/05

Cesar Fermin,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County (Bruce Allen, J.), rendered November 21, 2006, convicting defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree and sentencing him to a term of 60 days,

And by decision and order entered December 9, 2014 (Appeal No. 13314), this Court having held the aforesaid appeal in abeyance and remitted the matter to Supreme Court for the remedy set forth in *People v Peque*, 22 NY3d 168, 182-183 (2013),

Now, on the Court's own motion,

It is ordered that the appeal is dismissed as academic, the aforesaid plea of guilty to attempted criminal possession of a controlled substance in the third degree having been vacated and defendant having pleaded guilty to a misdemeanor in satisfaction of the reinstated indictment on July 19, 2017.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Dianne T. Renwick
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

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

CONFIDENTIAL

M-7372

- - - - -
Julius K.,
Petitioner-Appellant,

Docket No. F-1505-91/17H

-against-

Ileana K.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court by petitioner-appellant from an order of the Family Court, Bronx County, entered on or about October 22, 2018,

And petitioner-appellant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Angela M. Mazzarelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-7308
Ind. No. 4753/13

Kazzim Cooper,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about August 14, 2015,

And defendant-appellant having moved for an order striking the briefs of previously-assigned appellate counsel, Office of the Appellate Defender, and granting newly-assigned counsel, Robert S. Dean, Esq., Center for Appellate Litigation, an additional 180 days to perfect the appeal, and for related relief,

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

It is ordered that that branch of the motion seeking to strike the briefs previously filed by the Office of the Appellate Defender is granted and defendant-appellant's original brief, filed July 26, 2018, and reply brief, filed April 5, 2019 are stricken. That branch of the motion seeking a further extension

(M-7308)

-2-

November 7, 2019

of time to perfect the appeal is granted to the extent that defendant-appellant is permitted to file his initial brief, in compliance with 22 NYCRR 1250.9, on or before March 16, 2020, for the June 2020 Term, to which Term the appeal is adjourned.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Barbara R. Kapnick
Troy K. Webber, Justices.

-----X
In re James Pettus, et al., M-6989
M-7241
M-3845
Petitioners-Appellants, M-7078
M-7079
-against- M-7240
Index Nos. 250720/15
Board of Directors, et al. 251413/14
251751/14
Respondents-Appellants
-----X

A decision and order of this Court having been entered on November 16, 2017 (Appeal Nos. 4982-4982a) affirming the order, Supreme Court, Bronx County (Wilma Guzman, J.) entered June 30, 2015, which, among other things, granted respondents' motion to dismiss the petition under Index No. 251413/14, and dismissing the appeal from an order, same court (Norma Ruiz, J.), entered February 2, 2016, which denied petitioners' motion to reargue,

And an order of this Court having been entered on March 13, 2018 (M-6661) denying petitioner James Pettus's motion for reargument of the decision and order of this Court entered on November 16, 2017 (Appeal Nos. 4982-4982a),

And a decision and order of this Court having been entered on April 19, 2018 (Appeal No. 6311), affirming the order, Supreme Court, Bronx County (Kenneth L. Thompson, Jr., J.), entered June 21, 2016, which, insofar as appealed from as limited by the briefs, granted respondents' motion to vacate a judgment, same court (Alison Y. Tuitt, J.), entered August 7, 2015, granting the petition on default, and upon vacatur, granted respondents' motion to dismiss the petition under Index No. 250720/15,

And an order of this Court having been entered on July 19, 2018 (M-2223/M-2629) denying petitioners' motion for reargument of the decision an order of this Court entered on April 19, 2018 (Appeal No. 6311) and granting respondents' motion to the extent of enforcing the vexatious litigation order of the Supreme Court, New York County, entered on or about June 16, 2015,

And an order of this Court having been entered on September 20, 2018 (M-3876) denying petitioner James Pettus's motion for reargument of the order of this Court entered on July 19, 2018 (M-2223/M-2629),

And an order of this Court having been entered on April 25, 2019 (M-883) denying petitioner James Pettus's motion for reconsideration/reargument of the orders of this Court entered on July 19, 2018 (M-2223/M-2620) and on September 20, 2018 (M-3876), and to vacate the vexatious litigation order, or in the alternative, for leave to appeal to the Court of Appeals from the aforesaid orders of this Court, and for other relief,

And a decision and order of this Court having been entered on February 19, 2019 (Appeal No. 8427), affirming the Judgment (denominated an order), Supreme Court, Bronx County (Julia I. Rodriguez, J.), entered on or about March 28, 2017, striking the note of issue and dismissing with prejudice the proceeding under Index No. 251751/14, and granting respondents' motion (M-4168) to the extent of restraining and enjoining petitioners from filing any papers in this Court that have any relation to this matter without prior leave of this Court,

And an order of this Court having been entered on May 23, 2019 (M-1244) denying petitioner James Pettus's motion for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on February 19, 2019 (Appeal No. 8427, M-4168), and for other relief,

And an order of this Court having been entered on July 23, 2019 (M-2725) denying petitioners renewed motion for poor person relief with respect to an appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 17, 2015, under Index No. 251751/14,

And petitioner James Pettus having again moved under Index Nos. 250720/15 and 251413/14 to vacate the orders of this Court entered on November 16, 2017 (Appeal Nos. 4982-4982a) and on April 19, 2018 (Appeal No. 6311) and the vexatious litigation order, and for permission to appeal to Court of Appeals (M-6989), and respondents having cross moved to again declare petitioner James Pettus a vexatious litigant and to bar future filings except under specified conditions, to hold him in contempt for willfully violating the existing filing injunctions, and to impose sanctions of not less than \$2,750 to deter future misconduct,

And petitioner James Pettus having moved under Index No. 251751/14 to vacate the order and decision of this Court entered on February 19, 2019 (Appeal No. 8427) on constitutional grounds or for leave to appeal to the Court of Appeals (M-3845), and respondents having cross moved to again declare petitioner James Pettus a vexatious litigant and to bar future filings except under specified conditions, to hold him in contempt for willfully violating the existing filing injunctions, and to impose sanctions of not less than \$2,750 to deter future misconduct (M-7078),

And petitioner James Pettus having moved to vacate the decision of this Court entered July 23, 2019 (M-2725) which denied his motion for poor person relief with respect to his appeal from the order entered December 17, 2015 under Index No. 251751/14 (M-7079), and respondents having cross moved to again declare petitioner James Pettus a vexatious litigant and to bar future filings except under specified conditions, to hold him in contempt for willfully violating the existing filing injunctions, and to impose sanctions of not less than \$2,750 to deter future misconduct (M-7240),

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

Ordered that petitioner James Pettus's motions are denied in their entirety (M-6989, M-3845, M-7079), and it is further

Ordered that the respondents cross motions (M-7241, M-7078, M-7240) are granted to the extent of imposing sanctions on the petitioner James Pettus. pursuant to 22 NYCRR 1250.1(h), in the amount of \$2,000, by virtue of his protracted history of filing frivolous, repetitive and meritless motions without seeking the permission of this Court, and the need to deter such conduct in the future. Petitioner James Pettus is directed to immediately deposit said amount with the Clerk of the Supreme Court, New York County, for transmittal to the State Commissioner of Taxation and Finance, and it is further

ORDERED that based upon petitioner James Pettus's protracted history of filing numerous frivolous, repetitive and meritless motions in this Court, petitioner James Pettus is enjoined from making any further motions in this Court that have any relation to or connection with the aforementioned appeals and/or prior

orders of this Court, absent the granting by this Court of a separate written application by James Pettus for permission to make such motion. The Clerk is directed to not accept any further motion with respect to the aforementioned appeals or prior orders of this Court absent the granting of such leave, and it is further

ORDERED that the branch of the cross motions which seek to hold petitioner James Pettus in contempt is denied, without prejudice to renew, in the event that he fails to comply with the directives set forth above.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Cynthia S. Kern
Anil C. Singh, Justices.

-----x
Berkshire Bank, successor by merger to
First Choice Bank,
Plaintiff-Respondent,

-against-

M-7573
Index No. 850250/17

Melissa Fawer, Mark Fawer also known as
Mark S. Fawer,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 23, 2019,

And defendants-appellants having moved for an order, pursuant to CPLR 5519[c], staying the aforementioned order 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 denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x
Paul Soames,
Plaintiff-Appellant,

-against-

M-7008
Index No. 154272/17

2LS Consulting Engineering, D.P.C.,
Jeremy Latterman and Greg Leone,
Defendants-Respondents.
-----x

An order of this Court having been entered on July 2, 2019 (M-2350), vacating the dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 23, 2018 and, enlarging the time to perfect same to the October 2019 Term, and plaintiff having failed to timely perfect said appeal,

And plaintiff-appellant having moved to vacate the dismissal of the aforesaid appeal and to consolidate that appeal with the appeals taken from orders of the Supreme Court, New York County, entered on or about May 21, 2018, February 27, 2019 and July 30, 2019, and for an extension of time to perfect all of the 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 vacating the dismissal of the appeal taken from the order entered July 2, 2019 and extending the time to perfect all of the appeals to the April 2020 Term, with no further extensions to be granted. The motion is otherwise denied as unnecessary, as the appeals may be consolidated as of right (see, 22 NYCRR 1250.9[f][3]).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. David Friedman, Justice Presiding,
Barbara R. Kapnick
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

Joe Sanchez,
Plaintiff-Respondent,

M-7279

M-7389

-against-

Index No. 308930/09

Triton Construction Company, LLC,
et al.,
Defendants-Respondents.

- - - - -

Triton Construction,
Third-Party Plaintiff,

-against-

Low Bid, Inc., doing business as
Bid Erector,
Third-Party Defendant-Respondent,

Index No. 84042/14

-and-

Canatal Industries, Inc.,
Third-Party Defendant-Appellant.

- - - - -

Canatal Industries, Inc.,
Second Third-Party Plaintiff-
Appellant,

-against-

Low Bid, Inc., doing business as
Bid Erector,
Second Third-Party Defendant-
Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 3, 2019,

And third-party defendant/second third-party defendant-respondent Low Bid, Inc., doing business as Bid Erector, having moved to dismiss the aforesaid appeal (M-7279),

And third-party defendant/second third-party plaintiff-appellant Canatal Industries, Inc. having cross-moved for a traverse hearing (M-7389),

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 to dismiss the appeal (M-7279) is denied, and the cross motion (M-7389) is denied as unnecessary.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----x

In the Matter of the Application of
Maxver LLC, doing business as Calle
Dao Chelsea,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-7460
Index No. 160647/18

-against-

The Council of the City of New York,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about February 22, 2019,

And petitioner-respondent having moved for an order denying respondent-appellant's request for an extension of time to perfect 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 denied.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

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

-----X

Mario Mastrandrea,
Plaintiff-Appellant,

-against-

M-7516
Index No. 153521/18

John Mezzasalma,
Defendant-Respondent.

-----X

Plaintiff-appellant, pro se, having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2019,

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

It is ordered that the motion is deemed one seeking to vacate the dismissal of the appeal and, as such, is granted, the appeal reinstated, and the time to perfect same is enlarged to the February 2020 Term (see, 22 NYCRR 1250.10[c]).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-6896

-against-

Ind. No. 1042/17

Taren Tyler, also known as Tyler
Taren,
Defendant-Appellant.

-----X

Defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 2, 2019, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 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 180 days from the date of receipt of the complete record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

Michael Bonano,
Defendant-Appellant,

M-6775
Ind. Nos. 2237/09
1369/10

-----X

Defendant-appellant having moved for an enlargement of time to perfect his appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, in order to supplant the handwritten portion of his pro se brief filed in September 2018, with a printed version,

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 defendant-appellant's time to file his replacement pro se brief to November 29, 2019, and adjourning the appeal to the February 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----X

A. Michael Tyler Realty Corp.,
Plaintiff-Appellant,

-against-

M-7218
Index No. 651336/18

9 Barrow Owners Corp., and
9 Barrow Condominium,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an extension of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 7, 2018,

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

It is ordered that the motion is deemed one seeking to vacate of the dismissal of the appeal and, as such, is granted, the appeal reinstated, and the time to perfect same is enlarged to the February 2020 Term (see, 22 NYCRR 1250.10[c]).

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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

CONFIDENTIAL
M-7283
Ind. No. 3520/16

-against-

Fomdo Drame,
Defendant-Appellant,
-----x

Defendant-appellant having moved, for an order vacating the dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 15, 2018, and upon vacatur, for an extension of time to perfect said 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, the dismissal vacated, the appeal reinstated, and the time to perfect said appeal is extended to the March 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

M-7347
Ind. No. 2010/18

Kavon Ewell,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an order deeming his motion papers a timely filed notice of appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about March 6, 2019, or in the alternative, granting defendant permission to file an untimely notice of appeal from said judgment, pursuant to CPL 460.30(1),

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.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

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

-against-

CONFIDENTIAL
M-7401
Ind. No. 4144/17

Benjamin Dray,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 14, 2019,

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 time in which to perfect the appeal is enlarged to the April 2020 Term.

ENTERED:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Judith J. Gische
Peter Tom
Ellen Gesmer
Peter H. Moulton, Justices.

-----x

NYCTL 1998-2 Trust and Bank of New York
as Collateral Agent,
Plaintiff-Respondent,

M-7494
Index No. 153500/14

-against-

Reverend C.T. Walker Housing Development
Fund Corporation, et al.,
Defendants-Respondents,

-and-

Keith Alfieri,
Non-Party Appellant.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 18, 2018, and the amended order of the same court, entered on or about February 8, 2019,

And non-party appellant having moved, pursuant to 22 NYCRR 1250.10(c), to vacate the dismissal of the appeal taken from the December 18, 2018 order, and upon vacatur, to consolidate said appeal with the appeal taken from the February 8, 2019 amended order, and for an enlargement of time to perfect the consolidated 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 vacating the dismissal of the appeals taken from the December 18, 2018 order and the February 8, 2019 amended order, reinstating the appeals, and enlarging the time to perfect same to the February 2020 Term, and

(M-7494)

-2-

November 7, 2019

It is further ordered that that branch of the motion seeking to consolidate the appeals is denied, as unnecessary (see 22 NYCRR 1250.9(f)(3)).

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 11, 2019.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Troy K. Webber
Ellen Gesmer
Jeffrey K. Oing, Justices.

-----x

The People of the State of New York,
Respondent,

M-7505
Ind. No. 3707/13

-against-

Tomas Cabrera,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about March 16, 2016,

And defendant-appellant having moved for an order granting leave to file a pro se supplemental 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 granted to the extent of deeming the pro se supplemental brief as timely filed for the March 2020 Term of this Court, to which Term the appeal is adjourned.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Ellen Gesmer
Anil C. Singh, Justices.

-----X
In the Matter of the Application of
Jennifer Halcomb and Jonathan Halcomb,
Petitioners,

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

M-7728
Index No. 153890/19

-against-

New York City Department of Housing
Preservation and Development and
Maria Torres-Springer, as Commissioner,
Respondents,

-and-

Village View Housing Corp.
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent New York City Department of Housing Preservation and Development having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 18, 2019,

And petitioners having moved to stay the related holdover proceeding commenced by respondent-landlord in the Civil Court of the City of New York, New York County, under L&T Index No. 62023/19, pending hearing and determination of the transferred proceeding,

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

It is ordered that the motion is granted on condition that petitioners perfect the transferred proceeding for the March 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
The People of the State of New York, **SEALED**
Respondent, M-7483
Ind. No. 1141/16
-against-

Guillermo P. also known as Guillermo N.,
Defendant-Appellant,
-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2017, and said appeal having been perfected,

And defendant-appellant having moved for an order withdrawing defendant-appellant's brief filed on April 30, 2019 and substituting the Brief annexed as Exhibit A to the motion 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 striking defendant-appellant's brief filed on April 30, 2019. Defendant-appellant is permitted to file six copies of a brief in the form of Exhibit A attached to the motion papers, along with a note of issue, pursuant to 22 NYCRR 1250.9, on or before December 2, 2019, for the February 2020 Term of this Court, to which Term the previously perfected appeal is adjourned.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

The People of the State of New York,
Respondent,

M-7490
Ind. No. 1237/15

-against-

William Soler,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, Bronx County, rendered on or about June 23, 2016, and said appeal having been perfected,

And Respondent having moved for an order granting leave to supplement the Record on Appeal to include certain documents annexed as Exhibits A and E, to the Notice of Motion,

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.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,
Peter Tom
Barbara R. Kapnick
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against- M-7625
Ind. No. 5652/14

Ali Moalawi,
Defendant-Appellant.
-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about February 5, 2018, and the appeal having been perfected,

And defendant-appellant having moved for an order granting leave to file a pro se supplemental 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 granted to the extent of directing appellant to file an original and 5 (five) hard copies of his pro se supplemental brief for the March 2020 Term of this Court. The Clerk of this Court is directed to forward minutes of the proceedings of the Court below to the defendant at his place of incarceration, and advise defendant that the appeal will not be heard until the minutes so forwarded are returned to the Clerk's Office of this Court.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

Present - Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Zurich American Insurance Company
and American Zurich Insurance
Company,
Plaintiffs-Appellants,

-against-

M-7655
Index No. 655533/16

Don Buchwald & Associates, Inc.,
and Tony Burton,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an extension of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 21, 2018,

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

It is ordered that the motion is granted to the extent of extending the time to perfect the appeal to the April 2020 Term.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 7, 2019.

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
Marcus Sykes,
Plaintiff-Respondent,

-against-

M-7739
Index No. 152962/15

The City of New York and New York City
Transit Authority and Metropolitan
Transportation Authority,
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 August 20, 2018, and the appeal having been perfected,

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 the interim relief granted by an order of a Justice of this Court, dated October 15, 2019, is hereby vacated.

ENTERED:



CLERK

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

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 7304
Ind. No. 1983/95

-against-

CERTIFICATE
DENYING LEAVE

Damien Tracy,

Defendant.

-----X

I, Cynthia S. Kern, 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, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Steven Barrett, J.), entered on August 15, 2019, is hereby denied.

Dated: October 22, 2019
New York, New York

CSK

Hon. Cynthia S. Kern
Associate Justice

ENTERED: **NOV 07 2019**

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

BEFORE: Hon. Jeffrey K. Oing
Justice of the Appellate Division

-----X
THE PEOPLE OF THE STATE OF NEW YORK,

Respondent-Appellee,
-against-

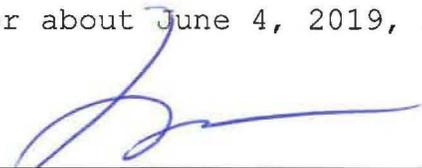
M-7307
Ind. No. 2913/12

Roberto Nunez,

Certificate Denying Leave

Defendant-Appellant.
-----X

I, Jeffrey K. Oing, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Farber, J.), entered on or about June 4, 2019, is hereby denied.



Hon. Jeffrey K. Oing
Associate Justice

Dated: October 25, 2019
New York, New York

ENTERED: NOV 07 2019