

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Nancy Silverman,

Plaintiff-Respondent,

-against-

Henry R. Silverman,

Defendant-Appellant.
-----X

M-475
Index No. 301856/09

Defendant-appellant having moved for an order reinstating a certain stay pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 1, 2012 (mot. seq. no. 005), which vacated the aforesaid stay,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated February 24, 2012, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on March 1, 2012.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-496
Ind. No. 3151/01

Craig Benton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 21, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

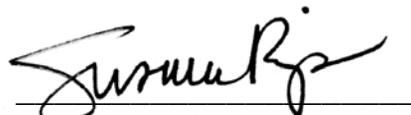
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-3929A
Ind. Nos. 579/07
434/09

David J. Hall,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 18, 2009, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (The order of this Court entered on September 21, 2010 [M-3929] is hereby recalled and vacated.)

ENTER:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. The signature is cursive and stylized.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of

London Terrace Gardens, L.P.,
Petitioner-Appellant,

M-457

Index No. 109121/10

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

-against-

The City of New York, et al.,
Respondents-Respondents.

-----X

London Terrace Gardens, L.P.,
Plaintiff-Appellant,

Index No. 109122/10

-against-

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

-----X

Separate appeals having been taken from the order and judgment of the Supreme Court, New York County, entered on or about May 6, 2011 [Index No. 109121/10], and from the order of said Court entered on the same date [Index No. 109122/10],

And petitioner-appellant having moved for an order consolidating the aforesaid appeals and enlarging the time to perfect same,

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

Ordered that the motion is granted to the extent of consolidating the aforesaid appeals and permitting petitioner-appellant to prosecute said consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. The time in which to perfect said consolidated appeals is enlarged to the September 2012 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Probate Proceeding,
Will of Robin Moles,
Deceased.

- - - -
Elsie McCarthy, et al.,
Proponents-Respondents,

M-185
File No. 1057/09

-against-

Christopher R. Ljungkull,
Contestant-Appellant.

-----X

Proponents-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 13, 2011 (Appeal No. 6293),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-375

Ind. No. 6141/06

Joshue DeJesus, also known as Joshua
DeJesus,

Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, entered on or about September 16, 2009, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 9, 2012 for the September 2012 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-5832

Ind. No. 1448/09

Osman Osman,

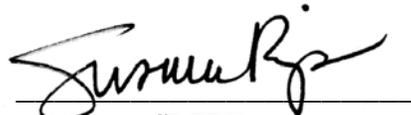
Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2010,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

Wilda C., M-268
Petitioner-Appellant, Docket No. V33384/11

-against-

Miguel R.,
Respondent-Respondent.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about October 5, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 61 Broadway, Suite #1900, New York, NY 10006, Telephone No. (212) 818-9019, 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 petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

In the Matter of

Jaisaia Lew R., also known as
Jisiah R.,

M-5588
Docket No. B3687/11

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

Catholic Guardian Society & Home
Bureau,
Petitioner-Respondent,

Aylyn R.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 31, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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 March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Maria Padilla,
Plaintiff-Appellant,

-against-

M-46

Index No. 18627/06

The Department of Education of the
City of New York, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 8, 2011 (Appeal No. 6255),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Cynthia Warren,

Plaintiff-Appellant,

-against-

M-5445
Index No. 104197/06

New York Presbyterian Hospital,

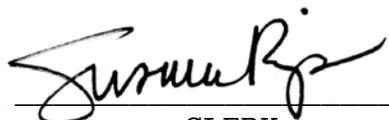
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 25, 2011 (Appeal No. 5818),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Samuel N. Goldstein, etc., et al.,

Plaintiffs-Appellants,

M-5590
Index No. 15576/00

-against-

Wendy B. Silverstein, M.D.,

Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 10, 2011 (Appeal No. 5973),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

76th Street Owners Corp.,

Petitioner-Landlord-Respondent,

-against-

M-143

Index No. 571025/10

Deborah Elshiekh, Fouad Elshiekh,
John Doe and Jane Doe,

Defendants-Tenants-Appellants.

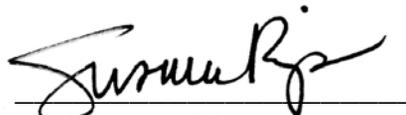
-----X

Defendants-tenants-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 26, 2011,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Bernard W. Goonewardena,
Petitioner-Appellant,

-against-

State of New York Worker's Compensation
Board,
Defendant-Respondent.

M-362
Index No. 114583/08

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 15, 2009, and said appeal having been perfected,

And petitioner-appellant having moved for an order enlarging the time in which to perfect the aforesaid appeal,

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

Ordered that the motion is denied as unnecessary, said appeal having been perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-300
Ind. No. 3618N/08

Mario Bracero,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 4, 2010,

And defendant having moved for an order remanding this matter to the Supreme Court, New York County, for a hearing to reconstruct the minutes of the sentencing proceedings, and enlarging the time in which 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 granted to the extent of remanding the matter to Supreme Court, New York County, for reconstruction of the aforesaid proceedings as expeditiously as possible. Appellant's counsel is directed to serve a copy of this order upon the Clerk of said court within 10 days from the date of entry hereof, and the Clerk is directed to have the minutes of the proceedings transcribed and delivered to appellant's counsel for inclusion in the record within 30 days of the conclusion of said reconstruction. The time in which to perfect the appeal is enlarged to 120 days from the date of receipt of the reconstruction court's findings.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz, Justices.

-----X

Lidia Vasquez,
Plaintiff-Respondent,

-against-

Port Authority of New York and
New Jersey,
Defendant-Respondent,

M-463
Index No. 109855/08

The New York City Transit Authority,
Defendant,

-and-

Laro Maintenance Corp.,
Defendant-Appellant.

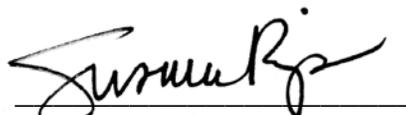
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 9, 2011,

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 on condition the appeal is perfected on or before March 19, 2012 for the June 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Essence S. and Kenzie S.,

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

M-639
Docket Nos. B4592-3/08

- - - - -
Abbott House,
Petitioner-Appellant,

Jeffrey H.,
Respondent-Respondent.

- - - - -
Steven Banks, Esq.,
Attorney for the Children.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about July 19, 2010, and said appeal having been perfected,

And respondent-respondent having moved for an order dismissing the aforesaid perfected 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.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Fernando J. Maldonado,
Plaintiff-Appellant,

-against-

M-591
Index No. 5392/04

Monica P. Maldonado,
Defendant-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about April 2, 2010,

And plaintiff-appellant having moved for an order deeming the aforesaid appeal perfected for the April 2012 Term or for an enlargement of time in which to perfect said appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2012 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-108

M-134

Ind. No. 2877/09

Keith Johnson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 19, 2011,

And an order of this Court having been entered on December 6, 2011 (M-4650/M-4907), granting defendant poor person relief and assigning Robert S. Dean, Esq., as counsel on the appeal, and granting the continuation of a stay of execution of sentence issued by a Justice of the Supreme Court, Bronx County, on July 19, 2011, on condition defendant perfected said appeal for the April 2012 Term,

And defendant-appellant having moved for further continuance of the aforesaid stay of execution of sentence, and for an enlargement of time in which to perfect the appeal (M-134),

And defendant-appellant having moved by separate motion for the same relief (M-108),

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

Ordered that defendant's motion (M-134) is granted to the extent of continuing the stay of execution of sentence granted by a Justice of the Supreme Court, Bronx County, on July 19, 2011, on the same terms and conditions, and on condition defendant perfects the appeal on or before July 9, 2012 for the September 2012 Term. Defendant's motion (M-108) is denied as unnecessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-424
Ind. No. 2735/95

Roman Baret,
Defendant-Appellant,

Immigrant Defense Project,
Amicus Curiae.

-----X

An order of a Justice of this Court entered September 1, 2011 (M-1463) having granted the above-named defendant-appellant leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about March 3, 2011, and said appeal having been perfected,

And Immigrant Defense Project having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of permitting amicus curiae to file 8 copies of the brief as amicus curiae forthwith. Respondent is granted leave to file a response brief to the amicus curiae brief on or before April 18, 2012 for the June 2012 Term, to which Term the appeal is adjourned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Rolando T. Acosta
Nelson S. Román, Justices.

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

Alex R.,
Petitioner-Respondent,

M-5675
Docket Nos. V1768-06/11C
V1768-06/11D
V1768-06/11E

-against-

Subriyah McK.,
Respondent-Appellant.

William F. O'Hearn, Esq.,
Attorney for the Child.

-----X

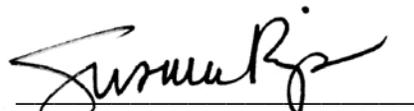
A purported appeal having been taken from a Temporary Modified Order of Custody and Visitation of the Family Court, New York County, entered on or about November 21, 2011,

And respondent-appellant mother having moved, inter alia, for an order staying all aspects of the aforesaid order of the Family Court entered on November 21, 2011, and directing the Family Court to conduct a hearing,

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

Ordered that the motion is denied in its entirety.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

George N.,
Petitioner-Appellant,

M-5378
M-5615
Docket Nos. O-3000/11

-against-

Crystal N. and George W., Jr.,
Respondents-Respondents.

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

George W., Jr.,
Petitioner-Appellant,

Docket No. O-2954/11

-against-

George N.,
Respondent-Respondent.

-----X
Appeals having been taken in the above-titled actions from orders of the Family Court, New York County, both entered on or about February 16, 2011,

And an order of this Court having been entered on September 29, 2011 (M-2775), under Docket No. O-2954/11 instead of Docket No. O-3000/11, granting petitioner, George N., poor person relief and assigning Steven N. Feinman, Esq., as counsel on the appeal,

And Steven N. Feinman, Esq., having moved for an order relieving him as assigned counsel for petitioner George N. and withdrawing said appeal (M-5378),

And petitioner George N. having moved for an order extending poor person relief granted by the prior order of this Court entered on September 29, 2011 [M-2775] and assigning new counsel on the appeal (M-5615),

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

Ordered that motion (M-5378) is granted to the extent of deeming the appeal from the order entered on February 16, 2011, under Docket No. 3000/11 withdrawn. The aforesaid order of this Court assigning Steven N. Feinman, Esq., as counsel (M-2775) entered September 29, 2011 under Docket No. O-2954/11 is vacated. Sua sponte, the appeal taken from said Family Court under Docket No. O-2954/11 is dismissed. Petitioner's motion (M-5615) is denied as academic.

ENTER:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Ebony Thornton,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-317**
of the Civil Practice Law and Rules, Index No. 402864/11

-against-

New York City Housing Authority,
et al.,
Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about November 28, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Debora K. Grobman,

Plaintiff-Appellant,

-against-

Louis I. Sobel, M.D., et al.,

Defendants-Respondents.
-----X

M-364
Index No. 111939/07

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 28, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 9, 2012 for the September 2012 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that defendants-respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Fortress Credit Corp., et al.,

Plaintiffs-Respondents,

-against-

M-5857
Index No. 603819/09

Dechert LLP,

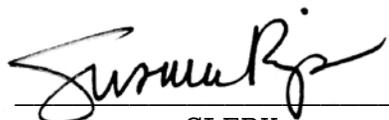
Defendant-Appellant.
-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 29, 2011 (Appeal No. 4399),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-473
Ind. No. 4596/06

Lee Carr,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009, 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 as premature, said appeal not having been perfected by assigned counsel.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Nasma A., Omar B., and Fatima B.,

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

M-100
M-304
Docket Nos. NA25539/09
NA25540/09
NA25541/09

Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioner-Appellant,

Derrick B.,
Respondent-Respondent,

Karima B.,
Respondent-Respondent.

Dorothy Gayle, Esq., Lawyers for
Children, Attorney for the Child
Nasma A.,

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Children Omar B.
and Fatima B.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about December 1, 2010,

And respondent-respondent, father Derrick B., having moved for an order dismissing the aforesaid appeal (M-100),

And petitioner-appellant Agency having cross-moved for an order withdrawing the aforesaid appeal (M-304),

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 cross motion is granted and the appeal is deemed withdrawn (M-304). Respondent's motion is denied as academic (M-100).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
In the Matter of

Jeremiah M., and Ginger Rose M.,
also known as Ginger M.,

M-271

Docket Nos. B19195/09
B19196/09

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

SCO Family of Services,
Petitioner-Respondent,

Sabrina Ann M., also known as
Sabrina M.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeals from orders of the Family Court, Bronx County, both entered on or about December 7, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John J. Marafino, Esq., 9 West Prospect Ave., Suite 409, Mount Vernon, NY 10550, Telephone No. (914) 663-1500, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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 October 9, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
In the Matter of

Jeremiah M.,

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

SCO Family of Services,
Petitioner-Respondent,

M-271A
Docket No. B19195/09

Sabrina Ann M., also known as Sabrina M.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

An order of this Court having been entered on March 1, 2012 (M-271) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeal from the order of the Family Court, Bronx County, entered on or about December 7, 2011, with respect to the child Jeremiah M. [Docket No. B19195/09]

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

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeals, and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, is substituted as such counsel. The poor person relief

previously granted is continued, and appellant's time in which to perfect the appeals is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The order of this Court entered on March 1, 2012 (M-271) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

In the Matter of

Christopher S., and O'Mea S.,

M-273

Docket Nos. B16009/09
B16010/09

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

- - - - -
Family Support Systems Unlimited, Inc., et al.,
Petitioners-Respondents,

William S.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about November 21, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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 March 1, 2012.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

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

-against-

M-237
SCI No. 4800/97

Jose Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 20, 2011, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

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

-against-

M-257
Ind. No. 3256/09

Anthony Hatcher,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Ronald Zweibel, J.) entered on or about December 16, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Zweibel as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 1, 2012.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-187

Ind. No. 252/11

Jason Gonzalez,

Defendant-Appellant.

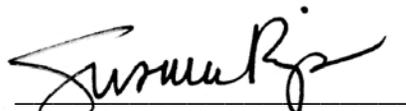
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 11, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-387
Ind. No. 1760/08

-against-

CERTIFICATE
DENYING LEAVE

Jalil Abdul, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 23, 2011, is hereby denied.

Dated: New York, New York
February 10, 2012



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

MAR 01 2012

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

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

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

M-4491
Ind. No. 1495/05,
6121/04

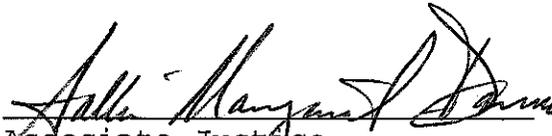
-against-

CERTIFICATE
DENYING LEAVE

Ai Jiang, also known as Ali Jiang,
Defendant.

-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 30, 2011 is hereby denied.


Associate Justice

Dated: January 27, 2012
New York, New York

ENTERED: **MAR 01 2012**

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

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

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

M - 123
Ind. No.
9330/95

-against-

CERTIFICATE
DENYING LEAVE

EDERICK FABRICIO,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 30, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: February 14, 2012
New York, New York

ENTERED: **MAR 01 2012**