

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of a Proceeding For
Custody and/or Visitation of Minors
Under Article 6 of the Family Court Act,

Jason W.,
Petitioner-Respondent,

-against-

M-1390
Docket No.
V-23486-09/10A

Naje' G.,
Respondent-Appellant.

-----X
Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about March 22, 2012, for failure to timely prosecute,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1680
Ind. No. 7454/01

Maurice McCollough,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 11, 2012 (M-3900), granting defendant 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 July 10, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1481
Ind. No. 2953/99

April Thompson, also known as Michelle
D. Jones,

Defendant.

-----x

Defendant-appellant having moved for an extension of time to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about January 11, 2013, which denied defendant's application for reargument of her resentence, for leave to prosecute the appeal as a poor person, and for related relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

Moshe Friedman,
Petitioner,

-against-

M-1795
Index No. 104301/11

New York State Division of Human
Rights, et al.,
Defendants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about August 30, 2011,

And an order of this Court having been entered on February 26, 2013 (M-6026), denying petitioner's motion for an enlargement of time to perfect the aforesaid appeal, leave to prosecute the appeal as a poor person and, sua sponte, dismissing said appeal,

And petitioner pro se having moved for a clarification and/or reconsideration of the aforesaid order of this Court entered on February 26, 2013 (M-6026),

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 May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Paul G. Feinman, Justices.

-----x

Coby Electronics Co., Ltd.,

Petitioner-Appellant,

-against-

Toshiba Corporation,

Respondent-Respondent.

-----x

M-2185
Index No. 653625/11

An appeal having been taken to this Court by petitioner from the order of the Supreme Court, New York County, entered on or about April 10, 2012 (mot. seq. no. 002), and said appeal having been perfected,

And petitioner-appellant having moved for an order striking respondent-respondent's request, dated March 14, 2013, to enlarge the record on appeal to include a judgment of Supreme Court, New York County, entered on or about June 14, 2012, and striking all references thereto in the respondent's brief, or for alternative relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Willi Adames,

M-2719
DC #32
Ind. No. 3217/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 24, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

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

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

Respondent,

-against-

Bryan Andino,

M-2722
DC #35
Ind. No. 2568/06

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 18, 2008,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

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

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

Respondent,

-against-

Michael Antwi,

M-2723
DC #36
Ind. No. 3247/06

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 2, 2009,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Paul Bright,

M-2729
DC #42
Ind. No. 1798/10

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2010,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

M-2739
DC #50
Ind. No. 1694/01

Anthony Hill,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2009,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Jermaine Jackson,

M-2740
DC #51
Ind. No. 30067/09

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about August 11, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Robert Johnson,

M-2742
DC #53
Ind. No. 5638/10

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 30, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Rafael Perez,

Defendant-Appellant.

M-2750
DC #60
Case Nos. 53125C/05
2607C/05

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 29, 2006,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Gregory Robertson,

M-2754
DC #64
Ind. No. 2306/10

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 4, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

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

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

Respondent,

-against-

M-2756
DC #66
Case No. 10018C/11

Frank Rudge, also known as
Frank Ridge,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about March 21, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Ekkehart Schwarz,

M-2759
DC #69
Ind. No. 1360/09

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2010,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

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

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

Respondent,

-against-

Jameek Stillely,

Defendant-Appellant.

M-2767
DC #76
Ind. Nos. 4863/06
5672/00

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 24, 2008,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Andre Thomas,

M-2768
DC #77
Ind. No. 4538/10

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2011,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Austen Ugweches,

M-2770
DC #79
Ind. No. 4349/05

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 22, 2009,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

-against-

M-2771
DC #80
Ind. No. 1144/10

Edwin Vazquez-Mendez, also known as
Edwin Vasquez-Mendez, also known as
Edwin Mendez Vasquez,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 5, 2010,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

Respondent,

-against-

Geronimo Velez,

M-2774
DC #82
Ind. No. 1232/09

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2010,

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

And a calendar call having been held by the Clerk of the Court on May 16, 2013, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the September 2013 Term and counsel is directed to so perfect.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman, Justices.

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

-against- M-1971
Ind. Nos. 47/12
Caroline Adamson, 18/12
Defendant-Appellant.

-----X

An order of this Court having been entered on November 8, 2012 (M-3985), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Oneida Perez,
Plaintiff,

-against- M-1370
Index No. 111103/07

Zumbach Sports Cars, Ltd.,
Defendant-Respondent,

Melvin Friedland, Lawrence Friedland
and Larstrand Corporation,
Defendants-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 23, 2011 (mot. seq. no. 003),

And an order of this Court having been entered on February 26, 2012 (M-5273), dismissing plaintiff's appeal and designating defendants-appellants' cross appeal as the direct appeal,

And defendant-respondent, Zumbach Sports Cars, Ltd., having moved for an order dismissing defendants-appellants' appeal, for failure to timely perfect,

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 defendants-appellants' appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Paul G. Feinman, Justices.

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

Townhouse Company, LLC, et al.,
Defendants-Respondents.

M-1164
M-1859
Index No. 103326/12

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 28, 2012,

And defendants-respondents having moved for dismissal of the aforesaid appeal (M-1164),

And plaintiff-appellant pro se having cross-moved for a "judgement as a matter of law" against defendants and for sanctions and costs (M-1859),

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

It is ordered that the motion is granted and the appeal is dismissed (M-1164). The cross motion is denied in its entirety (M-1859).

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 May 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
Margaret Rhee-Karn,
Petitioner-Appellant,

-against-

Kenneth P. Karn,
Respondent-Respondent.

CONFIDENTIAL

M-912

Docket Nos. V-15307/10
V-16387/10

-----X

Petitioner-appellant having moved for leave to appeal to this Court from an interim order of the Family Court, New York County, entered on or about January 15, 2013,

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

It is ordered that the motion is 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 May 28, 2013.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

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

-against- **M-5465**
Ind. No. 3848/94

Jamie Flores,
Defendant-Appellant.
-----X

An order of a Justice of this Court having been entered on October 25, 2012 (M-3510), granting defendant, pursuant to Section 460.15 of the Criminal Practice Law, leave to appeal to this Court from an order of the Supreme Court, Bronx County, entered on or about April 18, 2012,

And defendant having moved for leave to prosecute, as a poor person, the aforesaid appeal from the order of the Supreme Court, Bronx County, entered on or about April 18, 2012, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices.

-----X

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

Maura B.,
Petitioner-Appellant,

-against-

M-1233
Docket Nos. V-12307-07/11
V-15207/11

Giavanni P.,
Respondent-Respondent.

Jo Ann Douglas, Esq.,
Attorney for the Child,
Cecelia P.

-----X

Consolidated appeals having been taken from orders of the Family Court, New York County, entered on or about February 7, 2012 and on or about July 19, 2012, and said appeals having been perfected,

And Ellen Sigal, Esq., attorney for the subject child, having renewed the motion on the child's behalf for leave to respond to the consolidated appeals as a poor person, and for assignment of counsel, a free copy of the transcript(s), 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 Jo Ann Douglas, Esq., 170 Second Avenue, New York, NY 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal, with the said counsels fee to be apportioned equally between the parties; (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. Counsel is directed to file a respondent's brief on or before August 7, 2013 for the September 2013 Term.

ENTER:

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

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 May 28, 2013.

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

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

-against-

M-891
Ind. No. 4429/08

Diane Williams,
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on November 9, 2010 (Appeal No. 3572),

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 May 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
David B. Saxe
Helen E. Freedman, Justices.

-----X
Miles Matsumura,
Plaintiff-Respondent,

-against-

Smart LLC, etc., et al.,
Defendants-Appellants.

M-1172
Index No. 600197/10

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on November 20, 2012 (Appeal No. 8605),

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 untimely made. (22 NYCRR 600.14[a])

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 May 28, 2013.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Constantine Spathis,
Plaintiff-Respondent,

-against-

M-1825
Index No. 302534/08

Alina Dulimof-Spathis,
Defendant-Appellant.

-----X

Defendant-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 February 28, 2013 (Appeal Nos. 9413, 9414-9414A),

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 May 28, 2013.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Stephanie Shamblee,
Petitioner-Appellant,

M-1791

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

Index No. 401629/12

-against-

John B. Rhea, etc., et al.,
Respondents-Respondents.

-----X

An appeal having been taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 13, 2013,

And petitioner-appellant having moved for a stay of enforcement of a certain judgment of possession or for related relief pending hearing and determination of the appeal, and for leave to prosecute the aforesaid appeal as a poor person, 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 staying enforcement of a certain judgment of possession in the matter *Fulton Park 4 Associates v Shamblee*, L&T Index No. 53789/12, Civil Court of the City of New York, Kings County, on condition that petitioner perfects the aforesaid appeal on or before July 8, 2013 for the September 2013 Term, and on the further condition that petitioner forthwith satisfy any arrears in rent and/or use and occupancy and continue to pay monthly use and occupancy in the amount of \$450.00 per month to the landlord

of subject premises. The motion, to the extent it seeks poor person relief, is granted insofar as to permit petitioner to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney(s) for respondents and file 8 copies of such brief, together with the original record, with this Court. Petitioner-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 May 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Christopher Tamas,
Plaintiffs-Respondents,

-against-

M-1932
Index No. 310319/09

The City of New York, The New York
City Department of Sanitation,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 11, 2012,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed April 26, 2013, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Ann Chisom,

Plaintiff-Appellant,

-against-

M-507

Index No. 307442/09

Columbian Mutual Life Insurance Co.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 27, 2012 (Appeal No. 8922),

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 May 28, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----x
Rosemarie A. Herman, etc., et al.,
Plaintiffs-Appellants,

-against-

M-1564
Index No. 650205/11

Julian Maurice Herman, etc., et al.,
Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiffs from orders of the Supreme Court, New York County, entered on or about June 15, 2012 (mot. seq. nos. 001, 002), and from three orders of said Court and Justice entered on or about February 8, 2013 (mot. seq. nos. 003, 004, 005), respectively,

And plaintiffs-appellants having moved for an enlargement of time to perfect the appeals from the order entered on or about June 15, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals from the orders entered on or about June 15, 2012 to on or before September 3, 2013 for the November 2013 Term. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Femi Olawoyin,
Plaintiff-Respondent-Appellant,

-against-

520 West 43rd Street Partners, LLC,
Defendant-Appellant-Respondent.

M-541
Index No. 12918/10

-----X

Defendant-appellant-respondent 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 April 16, 2012, and for leave to prosecute the appeal as a poor person, and for related relief,

And an order of this Court having been entered on December 27, 2012 (M-2619), denying defendant-appellant-respondent's motion for the aforesaid relief,

And defendant-appellant-respondent having moved for a clarification and/or reconsideration of the aforesaid order of this Court entered on December 27, 2012 (M-2619),

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 May 28, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

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

Respondent,

-against-

M-1826
Ind. No. 5744/11

Carlo Rastaldo,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 20, 2012, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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, 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 May 28, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x
In the Matter of the Application of
Karen Knowings,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1799
of the Civil Practice Law and Rules, Index No. 401842/11

-against-

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

An appeal having been taken to this Court from the order and judgment of the Supreme Court, New York County, entered on or about January 6, 2012,

And an order of this Court entered on January 22, 2013 (M-5862/M-5986) having granted an enlargement of time to perfect the appeal to the June 2013 Term and a stay of enforcement of the aforesaid order and judgment of the Supreme Court, on condition said appeal is perfect for the June 2013 Term,

And respondent having moved to dismiss the appeal for failure to timely perfect and to vacate the stay granted by the aforesaid order of this Court on January 22, 2013 (M-5862/M-5986),

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

It is ordered that the motion is granted and the appeal is dismissed; the stay granted by the order of this Court entered on January 22, 2013 (M-5862/M-5986) is 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 May 28, 2013.

Present: Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

In the Matter of the Application of
Edwin Echevarria,
Defendant-Appellant,

M-1527

Index No. 402130/12

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

-against-

New York Supreme Court,
Respondent-Respondent.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about November 30, 2012, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for assignment of counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 files 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. So much of the motion which seeks the assignment of counsel 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 May 28, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Epic Security Corp.,
Plaintiff-Respondent,

-against-

M-1839
Index No. 601519/08

AMCC Corp.,
Defendant-Appellant.
-----X

Plaintiff-respondent 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 February 19, 2013 (Appeal No. 8774),

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 May 28, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Paul G. Feinman, Justices.

-----X

In re Javelle M. McElhaney,
Petitioner-Respondent,

-against-

M-1698
Docket No. F-25415-10/11A

Raymond A. Okebiyi,
Respondent-Appellant.

-----X

Respondent-appellant pro se having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 21, 2013 (Appeal No. 9335), and for other relief,

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

It is ordered that the motion is denied.

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 May 28, 2013.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-1441
Ind. No. 4293/10

Shana Spalding,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2012,

And an order of this Court having been entered on August 14, 2012 (M-2920) granting defendant leave to prosecute said appeal as a poor person and assigning Steven Banks, Esq., as counsel for purposes of the appeal, and related relief,

And defendant-appellant having moved for an order compelling the production of the record and the transcripts, and related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 Term. 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, of the plea or trial and sentence, within 60 days of the date hereof or provide a statement to the Clerk of the Criminal Court, New York County, why said transcripts have not been produced. 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.

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 May 28, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Flintlock Construction Services LLC,
Basque Construction Services, LLC,
Andrew Weiss, and Stephen A. Weiss, Jr.,
also known as Chip Weiss,
Petitioners-Appellants,

-against-

M-1847
Index No. 156278/12

Gretchen Weiss,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 26, 2012, and said appeal having been perfected,

And respondent-respondent having moved for dismissal of 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.

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 May 28, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische
Darcel D. Clark, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1933
Ind. No. 44560C/05

Lawrence Perez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 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 May 28, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Darcel D. Clark, Justices.

-----X

In the Matter of

Dakim S.,

A Person Alleged to be a Juvenile
Delinquent,

M-2006
Docket No. D-17729/11

Appellant.

-----X

Appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, Bronx County, entered on or about June 20, 2012,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term. (See M-2007, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Judith J. Gische
Darcel D. Clark, Justices.

-----X

In the Matter of

Dakim S.,

A Person Alleged to be a Juvenile
Delinquent,

M-2007
Docket No. D-26536/10

Appellant.

-----X

Appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, Bronx County, entered on or about June 20, 2012,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal to the October 2012 Term. (See M-2006, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT - Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Karla Moskowitz
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

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

-against-

M-1861
Ind. No. 5654/09

Gerardo Sanchez,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 18, 2011,

And an order of this Court having been entered on May 24, 2012 (M-1543) granting defendant leave to prosecute said appeal as a poor person and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal, and said appeal having been perfected,

And defendant having moved for substitution of counsel, or in the alternative, for leave to file a pro se supplemental brief, and related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before September 3, 2013 for the November 2013 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. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-498
Ind. No. 4931/94

Michael McMahon,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 28, 2000 (Appeal No. 1697), unanimously affirming a judgment of the Supreme Court, Bronx County (Alexander Hunter, J.), rendered on December 23, 1996,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,
-against-

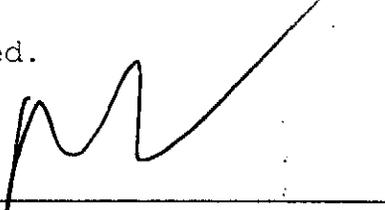
Andres Martinez,

Defendant.
-----X

M-1429
Ind. No. 7707/97

CERTIFICATE
DENYING LEAVE

I, Peter Tom, 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, Bronx County, entered on or about August 10, 2012 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: May 2, 2013
New York, New York

ENTERED

MAY 28 2013

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2010
Ind. No. 1860/11

-against-

CERTIFICATE
DENYING LEAVE

Freddy White,
Defendant.

-----X

I, DAVID FRIEDMAN, 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, New York County, entered on or about January 10, 2013, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York
April 26, 2013



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

MAY 28 2013

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-5444
Ind. No. 3552/99

-against-

CERTIFICATE
DENYING LEAVE

David O'Kane,
Defendant.

-----X

I, DAVID FRIEDMAN, 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, New York County, entered on or about March 9, 2012, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York
April 11, 2013



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

MAY 28 2013

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-5339
Ind. No. 4596/06

-against-

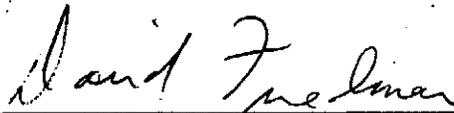
CERTIFICATE
DENYING LEAVE

Lee Carr,
Defendant.

-----X

I, DAVID FRIEDMAN, 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, entered on or about June 22, 2012, is hereby denied.

Dated: New York, New York
April 11, 2013



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

MAY 28 2013

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-1889
Ind. No. 7180/96

-against-

Antonio Mallet,

Defendant.
-----X

The above-named defendant having moved for reargument of the order of a Justice of this Court entered March 5, 2013 (M-5680), which denied defendant's application for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, Bronx County, entered on or about July 9, 2012,

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.



Justice

Dated: April 29, 2013
New York, New York

ENTERED: **MAY 28 2013**

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-2027
Ind. No. 5860/98

-against-

CERTIFICATE
DENYING LEAVE

Antonio Mendoza a/k/a Antonio Mendez,

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 Criminal Procedure Law, section 440.20, 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 February 26, 2013 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: April 29, 2013
New York, New York

ENTERED: **MAY 28 2013**

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

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

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

M-1690
Ind. No. 2251/96

-against-

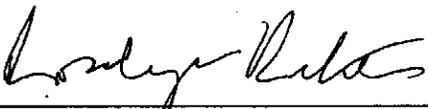
CERTIFICATE
DENYING LEAVE

Troy Porter,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about January 16, 2013, is hereby denied.



Hon. Rosalyn H. Richter

Dated: April 8, 2013
New York, New York

ENTERED: **MAY 28 2013**

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

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

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

M-2025
Ind. No. 3266/11

-against-

CERTIFICATE
GRANTING LEAVE

Steven Carter
Defendant-Appellant.

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Bonnie Witner, J.), entered on or about February 28, 2013.¹

Dated: May 3, 2013
New York, New York

ENTERED

MAY 28 2013

Hon. Associate Justice

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

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