

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-37
Ind. No. 99054/13

Francisco Naranjo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Seth Marvin, J.), entered on or about December 11, 2013, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Marvin as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Scott A. Rosenberg, 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 April 15, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr., Justices.

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

-against-

M-12
Ind. No. 846/07

Leonel Solis,
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 (Renee White, J.), entered on or about December 10, 2013, 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) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Scott A. Rosenberg, 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 April 15, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-6645
Ind. No. 3814/09

Anonymous,

Defendant-Appellant.
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about February 2, 2011,

And an order of this Court having been entered on March 20, 2014 (M-5899), granting defendant anonymity,

And defendant-appellant having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed December 23, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-746
Ind. No. 5241/12

Ronald Villarreal,
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 18, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one 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.

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 April 15, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justice.

-----X
Assured Guaranty Municipal Corp.,
formerly known as Financial Security
Assurance, Inc.,
Plaintiff-Appellant, M-335
M-384
-against- Index No. 650705/10

DB Structured Products, Inc. and
ACE Securities Corp.,
Defendant.

-----X
DB Structured Products, Inc.,
Third-Party Plaintiff,
-against- Index No. 590783/10

Greenpoint Mortgage Funding, Inc.,
Third-Party Defendant-Appellant.

-----X

Plaintiff-appellant having moved for an order enlarging the time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about April 8, 2013 and April 18, 2013, respectively (M-335),

And third-party defendant-appellant having moved for an order enlarging the time to perfect his their respective appeal from the aforesaid order of the Supreme Court, New York County, entered on or about April 8, 2013 (M-384),

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

It is ordered that the motions are granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to the January 2015 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one set each of the respective appellants' points covering the aforesaid appeals.

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 April 15, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
David B. Saxe
Helen E. Freedman, Justices.

-----X
In the Matter of a Proceeding for
Support Under Articles 4 and 5 of
the Family Court Act.

CONFIDENTIAL

M-864

Docket No. F-1303-02/11F

- - - - -
Alexis D. F.,
Petitioner-Respondent,

-against-

Noelle P.,
Respondent-Appellant.

-----X

Respondent-appellant, pro se, having moved for an enlargement of time to perfect her appeal from the decision and order of the Family Court, New York County, entered on or about March 15, 2013, for an order enlarging the record on 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 to perfect same to the October 2014 Term and otherwise denied, with leave to renew, upon a stipulation of the parties identifying the documents appellant seeks to include in the record, with copies attached as exhibits to said 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 April 15, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

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

-against-

Jason Morales,
Defendant-Appellant.

M-445
Ind. Nos. 872/09
1173/10
Case Nos. 23662C/11
74502C/11

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 25, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
HSBC Bank, USA, et al.,
Plaintiffs-Respondents.

-against-

M-381
Index No. 381904/09

Betty Lugo,
Defendant-Appellant,

New Century Mortgage Corporation,
et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 17, 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 appeal to the September 2014 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Barbara R. Kapnick, Justices.

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

-against-

M-987A
Ind. No. 3386/10

Gerald Ross,
Defendant-Appellant.

-----x

An order of this Court having been entered on January 24, 2012 (M-5269), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2011, and assigning counsel therefor,

And an order of this Court having been entered on April 15, 2014 (M-987), granting defendant leave to appeal to this Court from the order of Supreme Court, New York County, entered on or about January 16, 2014, and consolidating the aforesaid appeals, with related relief,

And defendant-appellant having moved for an enlargement of time to perfect the appeal from the order entered on or about April 7, 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 to perfect the consolidated appeals to the October 2014 Term. See (M-987 decided simultaneously herewith.)

ENTER:


CLERK

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

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

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

M-987
Ind. No. 3386/10

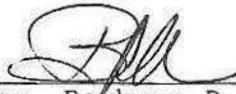
-against-

CERTIFICATE
GRANTING LEAVE

Gerald Ross,
Defendant-Appellant.
-----X

I, Barbara R. Kapnick, 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, entered on or about January 16, 2014.¹

Dated: March 26, 2014
New York, New York



Hon. Barbara R. Kapnick
Associate Justice

ENTERED

APR 15 2014

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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Barbara R. Kapnick, Justices.

-----X
Bank Of America, N.A., etc.,
Plaintiff-Respondent,

-against-

M-1348
Index No. 111508/10

Howard Grufferman and Barbara Grufferman,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of foreclosure and sale of the Supreme Court, New York County, entered on or about April 17, 2013 (mot. seq. no. 003) and said appeal having been perfected,

And defendants-appellants having moved for an order staying said judgment and foreclosure and sale pending hearing and determination of the appeal taken therefrom,

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 interim relief granted by an order of a Justice of this Court dated March 19, 2014 is hereby continued, pending hearing and determination of the aforesaid 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 April 15, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Diane T. Renwick
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-6455
Ind. No. 6230N/06

Yaindahi Milanés,
Defendant-Respondent.

-----X

An order of a Justice of this Court having been entered on June 12, 2012 (Richter, J.) granting defendant leave to appeal to this Court, pursuant to CPL460.15 from an order of the Supreme Court, New York County, entered on or about March 22, 2012,

And the People having moved for an order holding the aforesaid appeal in abeyance and remitting the matter to the Supreme Court, New York County, (Stephen, J.) for a further determination,

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 consent to the extent of holding the aforesaid appeal in abeyance and remitting the matter to the Supreme Court, New York County, (Stephen, J.) for a written determination in compliance with CPL 440.30[7].

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 April 15, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Leland DeGrasse
Rosalyn H. Richter, Justice.

-----X
Stanley Wolfson and Dori Hanswirth,
Plaintiffs-Appellants,

-against-

M-595
Index No. 150429/11

Metropolitan Transportation
Authority, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 5, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2014 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 April 15, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Scott Kaufman,
Plaintiff-Appellant,

-against-

Jennifer Kaufman,
Defendant-Respondent.

M-388
Index No. 300653/08

-----X

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 December 21, 2012 (mot. seq. no. 020),

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 September 2014 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 April 15, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Sallie Manzanet-Daniels
Barbara R. Kapnick, Justices.

-----X
The People of the State of New York
ex rel. Gregory Ferguson,
Petitioner,

-against-

M-184

Dora Schriro, etc., et al.,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at George R. Vierno Correctional Center, 09-09 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

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

-----x

The People of the State of New York,

Respondent,

-against-

Durville Small,

Defendant-Appellant.

-----x

M-126
Case No. 58914C/09
Ind. No. 3606/09

An order of this Court having been entered on June 25, 2013 (M-2172), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 21, 2011, and assigning Robert S. Dean, Esq., the Center for Appellate Litigation, as counsel to prosecute the appeal,

And defendant-appellant having moved, through retained counsel Paul S. Brenner, Esq., for an order relieving assigning counsel on the aforesaid appeal, for substitution of retained 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, Robert S. Dean, Esq., is relieved as assigned counsel, and the poor person relief previously granted by the order of this Court entered June 25, 2013 (M-2172) is continued. The motion, to the extent it seeks to substitute retained counsel on appeal, 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 April 15, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz, Justices.

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

-against-

M-6716
Ind. No. 6110/11

Roger Collado,
Defendant-Appellant.

-----X

Defendant having renewed his 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 October 15, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Silvia Perina
Plaintiff-Appellant,

-against-

M-6582
Index No. 401403/13

Animal Care and Control of New York
City, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about October 8, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth whether the party with a beneficial interest in the recovery sought, as listed on the present affidavit, is unable to pay the costs, fees, and expenses associated with prosecuting the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----x

William Harvey and Nina Harvey,
Plaintiffs-Appellants,

-against-

M-897
M-117
M-1210

JPMorgan Chase Bank, N.A. and
William Cullen,
Defendants-Respondents.

Index No. 100106/11

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 15, 2013 (mot. seq. no. 003),

And plaintiffs-appellants having moved for an enlargement of time to perfect the aforesaid appeal (M-897),

And defendants-respondents JPMorgan Chase Bank, N.A. (M-117) and William Cullen (M-1210) having each separately cross-moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion (M-897) is granted to the extent of enlarging the time to perfect the appeal September 2014 Term. The cross motions (M-117/M-1210) are granted to the extent of dismissing the aforesaid appeal unless same is perfected for said September 2014 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 April 15, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----x
Roy L. Nelson, Jr., an infant by his
Parent and Natural Guardian, Roy L.
Nelson, Sr., and Roy L. Nelson,
individually,
Plaintiffs-Respondents,

-against-

M-1104
Index No. 350325/08

New York City Housing Authority,
Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about July 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 granted to the extent of enlarging the time to perfect the appeal to the September 2014 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 April 15, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----x
Sonya Whitten Latimore,
Plaintiff-Appellant,

-against-

M-1087
Index No. 109456/11

Kim E. Fuller,
Defendant-Respondent,

Miatta Haj Smith, et al.,
Respondents.

-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 8, 2013 (mot. seq. no. 003),

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 September 2014 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 April 15, 2014.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----x
Macy's, Inc. and Macy's Merchandise
Group, Inc.,

Plaintiffs-Appellants,

-against-

M-1177
Index No. 650197/12

Martha Stewart Living Omnimedia, Inc.
and J.C. Penney Corporation, Inc.,

Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time to perfect the consolidated appeals from orders of the Supreme Court, New York County, entered on or about April 15, 2013 and May 16, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the October 2014 Term, with leave to seek a further enlargement, if necessary.

ENTER:


CLERK

CORRECTED ORDER - April 23, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Carribbean Produce, Inc.,
Plaintiff-Appellant,

-against-

M-937
Index No. 85797/07

Kwak Import Co., Inc., also known
as and formerly known as Kwak
Trading Co., Inc.,
Defendants-Respondents.

-----X
Kwak Import Co., Inc.,
Plaintiff-Respondent,

-against-

Index No. 75079/06

Carribbean Produce, Inc.,
Defendant-Appellant.

-----X
Kwak's Import Co., Inc.,
Plaintiff-Respondent,

-against-

Index No. 308937/09

Carribbean Produce, Inc. and Pyong H.
Yun,
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about December 17, 2013,

And defendant-respondent **Kwak Import Co., Inc.** having moved for an order dismissing a certain portion of the appeal from the judgment pertaining to an award of interest,

CORRECTED ORDER - April 23, 2014

(M-937)

-2-

April 15, 2014

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

CORRECTED ORDER – June 23, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

For Civil Management Pursuant to
Article 10 of the Mental Hygiene Law,

M-751
Index No. 250519/08

-against-

David S.,
Respondent-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, **Bronx** County, entered on or about December 17, 2013,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting 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 General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings in this matter, and 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.

CORRECTED ORDER - June 23, 2014

(M-751)

-2-

April 15, 2014

Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 April 15, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Schlam Stone & Dolan, LLP, as
assignee of both Rachel Arfa and
Alexander Shpigel,
Plaintiff-Appellant,

-against-

M-1304
Index No. 105769/11

Howard R. Poch, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2013,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated March 10, 2014 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 September 2014 Term, 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 April 15, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-6579
Ind. No. 5073/96

Manuel Martinez,
Defendant-Appellant.

-----X

An appeal having been entered from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2008,

And an order of this Court having been entered on November 14, 2013 (M-4985) denying defendant's motion to relieve assigned counsel, and other relief,

And defendant having moved for reargument of the aforesaid order of this Court entered on November 14, 2013 (M-4985),

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

It is ordered that the motion is denied and counsel is directed to perfect the appeal on or before July 7, 2014, for the September 2014 Term, without prejudice to defendant seeking leave to file a pro se supplemental brief after the appeal is 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 April 15, 2014.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
The People of the State of New York
ex rel. Milo Tyler,
Petitioner,

-against-

M-956

Rose Argo, Warden,
Respondent(s).

-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, for a stay of trial pending hearing and determination of this motion, and for a reduction of bail,

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

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

The motion, to the extent it seeks a stay of trial and a reduction of bail, 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 April 15, 2014.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Judith J. Gische
Darcel D. Clark, Justices.

-----X
Rosemarie A. Herman, etc., et al.,

Plaintiffs-Appellants,

-against-

M-1225

Index No. 650205/11

Julian Maurice Herman, etc., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about February 8, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2014 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 April 15, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Judith J. Gische
Darcel D. Clark, Justice.

-----X
Aridia Bonilla,
Plaintiff-Respondent,

-against-

M-857
Index No. 112895/11

191 Realty Associates,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 13, 2013,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2014 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 April 15, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X
In the Matter of the Application of
Lillie Steedley & Kirk Dodd,
Petitioners,

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

M-6698
M-23
Index No. 402565/12

-against-

New York City Housing Authority,
Patterson Houses,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 1, 2013,

And petitioners, pro se, having moved for leave to prosecute, as poor persons, the aforesaid proceeding, for leave to have the proceeding heard on the original record and upon a reproduced appellant's brief, and for other relief (M-6698),

And respondent having cross-moved to dismiss the aforesaid proceeding (M-23),

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 for leave to prosecute the proceeding as a poor person and other relief is denied in its entirety (M-6698). The cross motion is granted and the proceeding is dismissed (M-23).

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 April 15, 2014.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Martha G. Foster, etc., et al.,
Plaintiffs-Appellants,

-against-

M-1128
Index No. 651826/13

Arne Svenson,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 5, 2013, and said appeal having been perfected,

And plaintiffs-appellant having moved for an order reviving a preliminary appellate injunction pursuant to CPLR 5518, originally granted by order of this Court entered October 24, 2013 (M-4562), directing defendant-respondent from refraining from all display, dissemination and sale of the subject photos and from photographing plaintiffs-appellants and/or their children in their apartment, pending hearing and determination of the appeal taken therefrom,

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 that defendant-respondent is enjoined from photographing plaintiffs and/or their children in their apartment and from displaying disseminating and/or selling the subject photographs of plaintiffs and/or their children, pending hearing and determination of the appeal.

ENTER:


CLERK

CORRECTED ORDER - April 18, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-179
Ind. No. 4006N/12

Julio Genao Alba,
Defendant-Appellant.

-----X

Defendant having renewed his 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 November 26, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Leland DeGrasse
Judith J. Gische, Justices.

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

-against-

M-343
Ind. No. 979/10

Viveth Seaton,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 11, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one 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.

Scott A. Rosenberg, 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 April 15, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Leland DeGrasse
Judith J. Gische, Justices.

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

-against-

M-313
Ind. No. 1859N/11

Tesfa Walters,
Defendant-Appellant.

-----X

Defendant having renewed his 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 July 17, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Richard T. Andrias
Helen E. Freedman
Rosalyn H. Richter
Darcel D. Clark Justice.

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

-against-

Quadaun James,
Defendant-Appellant.

M-6733
Ind. No. 1411/08
Case No. 16874C/08

-----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 March 12, 2012, 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 April 15, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

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

Respondent,

-against-

M-182

Ind. No. 1436/11

Emilio Gonzalez,

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 September 16, 2013, 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) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-282
Ind. No. 3920/08
Case No. 58639C/08

Lonnie McCray,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 14, 2013 (M-2072) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 8, 2012, and assigning Robert S. Dean, 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 Robert S. Dean, 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 April 15, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justice.

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

-against- M-237
Ind. No. 2262/09
Case No. 34120C/09
Brian D. Santiago,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 27, 2012 (M-3349), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 10, 2011, and assigning Robert S. Dean, 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 Robert S. Dean, 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

CORRECTED ORDER - April 23, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

The People of the State of New York,

Appellant,

-against-

Demetrius Lathon,

Defendant-Respondent.

-----X

M-211
Ind. No. 2857/11

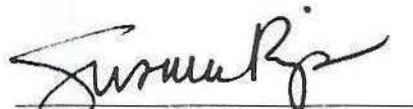
Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about October 9, 2012, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the **September 2014 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 April 15, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-147
Ind. Nos. 2638/05
5373/05

Michael Toliver, also known as Michel
Toliver,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 13, 2012 (M-4349) granting defendant leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, New York County, rendered on or about May 15, 2007, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant, both pro se and by assigned counsel, having moved for an order relieving assigned counsel and to substitute other counsel to prosecute 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 striking the designation of assigned counsel Robert S. Dean, 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 April 15, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against- M-210
Ind. Nos. 3933/08
Jordan De La Cruz, 2950/08
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about November 12, 2013, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 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 April 15, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Helen E. Freedman
Paul G. Feinman, Justices.

-----x
The People of the State of New York
ex rel. Jeffrey Hoffman, on behalf
of Davit Kudugulyan,

Petitioner-Appellant,

-against-

Mark Cranston, etc.,

Respondent-Respondent.
-----x

M-870
Index No. 100181/14

An appeal having been taken to this Court from the order of the Supreme Court, New York County, rendered on or about February 14, 2014, which denied and dismissed petitioner's petition for a Writ of Habeas Corpus proceeding,

And petitioner-appellant having moved for a reduction of bail pending hearing and determination 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 April 15, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Karla Moskowitz
Helen E. Freedman
Paul G. Feinman, Justices.

-----x
The People of the State of New York
ex rel. Patrick J. Brackley, on behalf
of Hayk Dzhandzhapanyan,

Petitioner-Appellant,

-against-

Mark Cranston, etc.,

Respondent-Respondent.
-----x

M-869
Index No. 100166/14

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about February 11, 2014, which denied and dismissed petitioner's petition for a Writ of Habeas Corpus proceeding,

And petitioner-appellant having moved for a reduction of bail pending hearing and determination 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

ORDER CORRECTED - NOVEMBER 19, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Paul G. Feinman, Justices,

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

Carlos L.,
Petitioner-Appellant,

M-222
Docket No.
F-2107-11/11A-G

-against-

Diomaris C.,
Defendant-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 25, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service**

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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
New York Master Cabbie Corporation,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1222
Index No. 100507/13

The New York City Taxi and Limousine
Commission ("TLC"), et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 9, 2013,

And petitioner-appellant having moved for a stay of the aforesaid order or for relief in the nature of a preliminary appellate injunction, pending hearing and determination of the aforesaid appeal, and other relief,

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

It is ordered that the motion is denied.

ENTER:



CLERK

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5688
Ind. No. 6191/07

-against-

CERTIFICATE
DENYING LEAVE

Ronald Brown,

Defendant.
-----X

I, Rolando T. Acosta, 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, or in the alternative, for an order holding this application in abeyance and remitting the matter to New York County Supreme Court for a hearing pursuant to Criminal Procedure Law 440.10, 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 orders of the Supreme Court, New York County, entered on or about September 30, 2013



Hon. Rolando T. Acosta
Associate Justice

Dated: January 3, 2014
New York, New York

ENTERED: **APR 15 2014**

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-6590
NY Co. Ind No.
2230/99

-against-

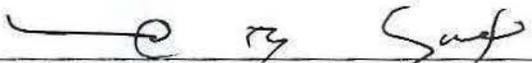
CERTIFICATE
DENYING LEAVE

Jose Alfaro,

Defendant.
-----X

I, David B. Saxe, 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 August 22, 2013 is hereby denied.

Dated:
New York, New York


Justice of the Appellate Division

ENTERED

APR 15 2014

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-6424
Bronx Co.
Indictment Nos.
4969/94 & 7976/94

-against-

CERTIFICATE
DENYING LEAVE

Jose Montes a/k/a Roman Santiago,

Defendant.
-----X

I, David B. Saxe, 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 September 27, 2013 is hereby denied.

Dated: **APR 15 2014**
New York, New York



Justice of the Appellate Division

ENTERED **APR 15 2014**

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-6584
Ind. No. 4469/98

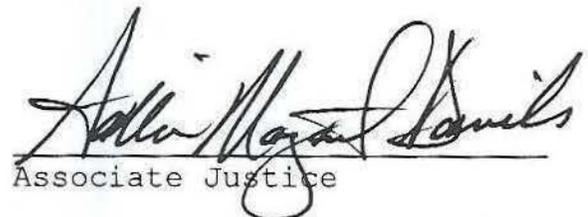
-against-

CERTIFICATE
DENYING LEAVE

Junior Collins,

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 July 30, 2013 is hereby denied.


Associate Justice

Dated: March 5, 2014
New York, New York

ENTERED: **APR 15 2014**

P.M ORDERS
FOR APRIL
15, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2014.

Present: Hon. Peter Tom, Justice Presiding,
Diane T. Renwick
Rosalyn H. Richter
Paul G. Feinman
Judith J. Gische, Justices.

-----X

George McDonald and McDonald 2013
Inc.,

Plaintiffs-Appellants,

M-1431

Index No. 100038/12

-against-

New York City Campaign Finance
Board and The City of New York,
Defendants-Respondents.

- - - - -

New York State Attorney General's
Office,

Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named plaintiffs-appellants from of the Supreme Court, New York County, entered on or about May 3, 2013,

And New York State Attorney General's Office having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal, for leave to participate in oral argument, 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 only to the extent of deeming the nine copies of the proposed amicus curiae brief of the New York State Attorney General's Office submitted with the moving papers herein as filed. The motion is otherwise denied.

ENTER:


CLERK