

**DAY CALENDAR**  
**Wednesday, April 10, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**544.0**  
**KA 16-01404**

**PEOPLE**  
**V**  
**CLARENCE WILLIAMS**

Appeal from an order of the Monroe County Court (John L. DeMarco, J.), entered June 20, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

**TIMOTHY S. DAVIS for CLARENCE WILLIAMS** **Submitted**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**545.0**  
**KA 18-01805**

**PEOPLE**  
**V**  
**KEITH E. SPRATLEY**

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered July 17, 2018. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

**DAVID R. JUERGENS for KEITH E. SPRATLEY** **Submitted**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**546.0**  
**KA 17-01330**

**PEOPLE**  
**V**  
**CHERI BURTMAN**

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered April 3, 2017. The judgment convicted defendant, upon her plea of guilty, of attempted criminal sale of a controlled substance in the fourth degree.

**CAITLIN M. CONNELLY for CHERI BURTMAN** **Submitted**

**LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**547.0**  
**KA 18-01501**

**PEOPLE**  
**V**  
**DAVID MANGAN**

Appeal from an order of the Cayuga County Court (Mark H. Fandrigh, A.J.), dated May 10, 2018. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

**CHARLES A. MARANGOLA for DAVID MANGAN** **Submitted**

**BRITTANY ANTONACCI for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**548.0**  
**KA 18-01340**

**PEOPLE**  
**V**  
**THOMAS CLAYTON**

Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered April 24, 2017. The judgment convicted defendant, upon a jury verdict, of murder in the first degree and murder in the second degree.

**BRIAN SHIFFRIN for THOMAS CLAYTON** **20 minutes**

**WEEDEN A. WETMORE for THE PEOPLE OF THE STATE OF NEW YORK** **30 minutes**

549.0  
KA 15-01196

**PEOPLE**  
**V**  
**BRANDON WEST**

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered March 19, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts).

KATHLEEN P. REARDON for BRANDON WEST 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

550.0  
KA 17-00934

**PEOPLE**  
**V**  
**SANDRO R. TIRADO**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered August 24, 2016. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, criminal use of a firearm in the first degree, assault in the first degree, criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the seventh degree.

DEBORAH K. JESSEY for SANDRO R. TIRADO 10 minutes

ASHLEY L. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

551.0  
KA 11-02002

**PEOPLE**  
**V**  
**RICO D. MCGEE**

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered July 14, 2011. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the seventh degree.

BETH A. RATCHFORD for RICO D. MCGEE Submitted

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

552.0  
KA 17-00364

**PEOPLE**  
**V**  
**BONNIE R. TOMION**

Appeal from a judgment of the Ontario County Court (Stephen D. Aronson, J.), rendered November 3, 2016. The judgment convicted defendant, upon a nonjury verdict, of driving while ability impaired by drugs and aggravated driving while intoxicated.

JOHN A. CIRANDO for BONNIE R. TOMION 10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY 5 minutes

553.0  
CAF 17-01644

**ALLEN H. MORIN**  
**V**  
**JENNIFER M. MORIN**

Appeal from an order of the Family Court, Cayuga County (Stephen D. Aronson, A.J.), entered September 5, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded father sole custody of the subject children.

HEIDI SUE CONNOLLY for JENNIFER M. MORIN 10 minutes

	<b>MARIO J. GUTIERREZ for ALLEN H. MORIN</b>	<b>5 minutes</b>
	<b>CYNTHIA B. BRENNAN, ATTORNEY FOR THE CHILD</b>	<b>5 minutes</b>
<b>554.0</b>	<b>JAMES HILTON</b>	
<b>CAF 17-01418</b>	<b>V</b>	
	<b>KYLE HILTON</b>	
	<b>Appeal from an order of the Family Court, Oswego County (Thomas Benedetto, R.), entered July 27, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioners joint legal custody of the subject child with respondent Courtney C. and granted petitioners physical custody of the subject child.</b>	
	<b>JOHN A. CIRANDO for COURTNEY CIRELLO</b>	<b>10 minutes</b>
	<b>STEPHANIE DAVIS for KYLE HILTON</b>	<b>5 minutes</b>
	<b>JAMES HILTON for HIMSELF</b>	<b>Submitted</b>
	<b>ETHEL HILTON for HERSELF</b>	<b>Submitted</b>
	<b>JOHN W. SPRING, JR., ATTORNEY FOR THE CHILD</b>	<b>5 minutes</b>
<b>555.0</b>	<b>APRIL L. STEVENS</b>	
<b>CAF 18-00418</b>	<b>V</b>	
	<b>JOSHUA FARRELL</b>	
	<b>Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered January 4, 2018 in a proceeding pursuant to Family Court Act article 8. The order granted the petition for an order of protection.</b>	
	<b>STEPHANIE N. DAVIS for JOSHUA FARRELL</b>	<b>5 minutes</b>
	<b>MICHAEL G. CIANFARANO for APRIL L. STEVENS</b>	<b>10 minutes</b>
	<b>WALTER JAMES BURKARD, ATTORNEY FOR THE CHILD</b>	<b>5 minutes</b>
<b>556.0</b>	<b>APRIL L. STEVENS</b>	
<b>CAF 18-00419</b>	<b>V</b>	
	<b>JOSHUA FARRELL</b>	
	<b>Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered January 4, 2018 in a proceeding pursuant to Family Court Act article 8. The order granted the petition for an order of protection.</b>	
	<b>STEPHANIE N. DAVIS for JOSHUA FARRELL</b>	<b>Submitted</b>
	<b>MICHAEL G. CIANFARANO for APRIL L. STEVENS</b>	<b>Submitted</b>
	<b>WALTER JAMES BURKARD, ATTORNEY FOR THE CHILD</b>	<b>Submitted</b>
<b>557.0</b>	<b>APRIL L. STEVENS</b>	
<b>CAF 18-00420</b>	<b>V</b>	
	<b>JOSHUA FARRELL</b>	
	<b>Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered January 4, 2018 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole legal and physical custody.</b>	
	<b>STEPHANIE N. DAVIS for JOSHUA FARRELL</b>	<b>Submitted</b>
	<b>MICHAEL G. CIANFARANO for APRIL L. STEVENS</b>	<b>Submitted</b>

	WALTER JAMES BURKARD, ATTORNEY FOR THE CHILD	Submitted
558.0 CAF 18-00421	JOSHUA FARRELL V APRIL L. STEVENS	
	Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered January 4, 2018 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for custody.	
	STEPHANIE N. DAVIS for JOSHUA FARRELL	Submitted
	MICHAEL G. CIANFARANO for APRIL L. STEVENS	Submitted
	WALTER JAMES BURKARD, ATTORNEY FOR THE CHILD	Submitted
559.0 CA 18-01717	UP STATE TOWER CO., LLC V VILLAGE OF LAKEWOOD	
	Appeal from a judgment (denominated order and judgment) of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered January 26, 2018 in a proceeding pursuant to CPLR article 78 and a declaratory judgment action. The judgment dismissed the petition.	
	ANDREW JOHN LEJA for UP STATE TOWER CO., LLC	10 minutes
	RICHARD E. STANTON for VILLAGE OF LAKEWOOD	15 minutes
560.0 CA 18-01710	JOHN BOBIK V STATE OF NEW YORK	
	Appeal from a judgment of the Court of Claims (J. David Sampson, J.), entered January 23, 2018. The judgment dismissed the claim after a trial.	
	BRIAN M. DRATCH for JOHN BOBIK	Submitted
	VICTOR PALADINO for STATE OF NEW YORK	Submitted
561.0 CA 18-02397	SHIRLEY PATCHIN V DOLLAR TREE STORES, INC.	<b>SETTLED</b>
	Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered June 21, 2018. The order denied the motion of defendant for summary judgment.	
	NICHOLAS B. DAVIS for DOLLAR TREE STORES, INC.	
	CAROL A. MCKENNA for SHIRLEY PATCHIN	
562.0 OP 17-01942	CITY COUNCIL OF CITY OF JAMESTOWN V TOWN COUNCIL OF TOWN OF ELLICOTT	
	Proceeding pursuant to General Municipal Law article 17 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to General Municipal Law § 712) for a declaration that a proposed annexation to the City of Jamestown is in the overall public interest.	
	STEPHANIE CAMPBELL for CITY COUNCIL OF CITY OF JAMESTOWN	15 minutes
	PIETRA LETTIEREI ZAFFRAM for TOWN COUNCIL OF ELLICOTT	15 minutes

563.0  
TP 17-02197

**CITY OF JAMESTOWN**  
**V**  
**TOWN COUNCIL OF TOWN OF ELLICOTT**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Chautauqua County [Frank A. Sedita, III, J.], entered December 15, 2017) to review determinations of respondents. The determinations found that a proposed annexation to the City of Jamestown is not in the overall public interest.

STEPHANIE CAMPBELL for CITY COUNCIL OF CITY OF JAMESTOWN Submitted

PIETRA LETTIEREI ZAFFRAM for TOWN OF ELLICOTT Submitted

564.0  
CA 18-01598

**LEVEL 3 COMMUNICATIONS, LLC**  
**V**  
**ERIE COUNTY**

Appeals from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered March 5, 2018 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment, inter alia, declared that the fiber optic cables and inclosures in Erie County are not taxable under RPTL 102 (12) (ii).

ANTONIO M. SAVAGLIO for CITY OF LACKAWANNA Submitted

JENNIFER PERSICO for ERIE COUNTY 15 minutes

JOEL R. KURTZHALTS for CITY OF BUFFALO 15 minutes

MEGHANN N. ROEHL for LAKE SHORE CENTRAL SCHOOL DISTRICT 15 minutes

MICHAEL RISMAN for NORTH COLLINS CENTRAL SCHOOL DISTRICT 15 minutes

JOHN G. NICOLICH for LEVEL 3 COMMUNICATIONS, LLC 15 minutes

565.0  
CA 18-00009

**STATE OF NEW YORK**  
**V**  
**DANIEL J.**

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered November 21, 2017 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.

PAUL B. WATKINS for DANIEL J. 10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

566.0  
CA 18-01059

**STATE OF NEW YORK**  
**V**  
**DANIEL J.**

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered April 17, 2018 in a proceeding pursuant to Mental Hygiene Law article 10. The order denied respondent's motion for reconsideration.

PAUL B. WATKINS for DANIEL J. Submitted

JONATHAN D. HITSOUS for STATE OF NEW YORK Submitted

567.0  
CA 18-01305

**TRANSPO BUS SERVICES, LLC**  
**V**  
**NEW YORK BUS SALES, L.L.C.**

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered April 4, 2018. The order, among other things, granted defendant's motion for summary judgment dismissing plaintiff's claims.

SVETLANA K. IVY for TRANSPO BUS SERVICES, LLC

15 minutes

BELLA S. SATRA for NEW YORK BUS SALES, L.L.C.

15 minutes

568.0  
CA 18-01575

**LEVEL 3 COMMUNICATIONS, LLC**  
**V**  
**CHAUTAUQUA COUNTY**

Appeal from a judgment (denominated order) of the Supreme Court, Chautauqua County (Joseph Gerace, J.H.O.), entered March 24, 2018 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment dismissed the petition.

JOHN G. NICHOLICH for LEVEL 3 COMMUNICATIONS, LLC

15 minutes

MICHAEL B. RISMAN for CITY OF DUNKIRK

15 minutes

569.0  
CA 18-01685

**NAOMI J. ELLISON**  
**V**  
**ROCHESTER GENERAL HEALTH SYSTEM**

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered December 22, 2017. The order granted the motion of defendants for summary judgment and dismissed the complaint.

DAVID SCOTT STERN for NAOMI J. ELLISON

10 minutes

SVETLANA K. IVY for ROCHESTER GENERAL HEALTH SYSTEM

10 minutes

570.0  
KA 17-00639

**PEOPLE**  
**V**  
**CHARLES A. LEDGER**

**SETTLED**

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered January 17, 2017. The judgment convicted defendant, upon his plea of guilty, of rape in the third degree (two counts).

JAMES M. SPECYAL for CHARLES A. LEDGER

JOSEPH V. CARDONE for THE PEOPLE OF THE STATE OF NEW YORK