

**MOTION NOS. (758-759/03) KA 01-02205. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON CATO, DEFENDANT-APPELLANT. (APPEAL NO. 1.) KA 01-02204. -- THE PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT, V JASON CATO, DEFENDANT-APPELLANT. (APPEAL NO. 2.)** -- Motion for writ of error coram nobis denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, WINSLOW, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1068/11) KA 09-01028. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEFFEN A. JONES, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (873/13) KA 09-00175. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD DASHER, ALSO KNOWN AS WILLIAM DASHER, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (933/14) KA 12-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLARENCE E. SCARVER, ALSO KNOWN AS "C", DEFENDANT-APPELLANT.**

-- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, CURRAN, AND WINSLOW, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (247/16) KA 12-01252. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V COREY T. KIMMY, DEFENDANT-APPELLANT.** -- Motion for writ of

error coram nobis denied. PRESENT: PERADOTTO, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (276/18) KA 12-01620. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EUGENE S. BROWN, ALSO KNOWN AS EUGENE NESMITH,**

**DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied.

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (974/18) KA 15-01425. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V IAN GULBIN, DEFENDANT-APPELLANT.** -- Motion for writ of error

coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (955/19) KA 15-01250. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAKWAN PATTERSON, DEFENDANT-APPELLANT.** -- Motion for writ of

error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1012/19) CA 18-01322. -- WILLIAM HOWARD, SUING IN THE RIGHT OF ARCHER RD. VISTA, LLC, WILLIAM HOWARD, INDIVIDUALLY, AND WESTSIDE DEVELOPMENT OF ROCHESTER, INC., PLAINTIFFS-RESPONDENTS, V GARY L. POOLER, DEFENDANT-APPELLANT, ARCHER RD. VISTA LLC, AND GARY L. POOLER, AS MANAGER OF ARCHER RD. VISTA LLC, INTERVENORS-APPELLANTS. (APPEAL NO. 1.)** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, AND CURRAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1050/19) CA 19-00507. -- TINA KNAPP AND MICHAEL KNAPP, PLAINTIFFS-APPELLANTS, V FINGER LAKES NY, INC., DOING BUSINESS AS DIVERSIFIED CONTRACTING COMPANY, AND JOEL S. SMITH, DEFENDANTS-RESPONDENTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, CURRAN, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1093/19) CA 18-02123. -- RICHARD WALKOW, PLAINTIFF-RESPONDENT, V MJ PETERSON/TUCKER HOMES, LLC, RGGT, LLC, AND SCOTT HAPEMAN, DOING BUSINESS AS HAPEMAN & SON, DEFENDANTS-APPELLANTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (1200/19) KA 19-00378. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JONATHAN E. BOLDT, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (63/20) CA 19-01300. -- IN THE MATTER OF KIM A. KIRSCH AND MICHAEL A. STARVAGGI, PETITIONERS-RESPONDENTS, V BOARD OF EDUCATION OF WILLIAMSVILLE CENTRAL SCHOOL DISTRICT AND WILLIAMSVILLE CENTRAL SCHOOL DISTRICT, RESPONDENTS-APPELLANTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (64/20) CA 19-00438. -- GLENN FREELAND AND SUSAN FREELAND, AS ADMINISTRATORS OF THE ESTATE OF TREVELL WALKER, DECEASED, PLAINTIFFS-APPELLANTS, V ERIE COUNTY, TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF AND MARK WIPPERMAN, ERIE COUNTY UNDERSHERIFF, DEFENDANTS-RESPONDENTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (190/20) CA 19-01357. -- PAUL ZIMMER, PLAINTIFF-APPELLANT, V JAMES K. ZIMMER, AS EXECUTOR OF THE ESTATE OF ROBERTA JUNE ZIMMER,**

**DECEASED, DEFENDANT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, CURRAN, WINSLOW, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (365/20) CA 18-01698.** -- **GLASCO WRIGHT, CLAIMANT-APPELLANT, V STATE OF NEW YORK, DEFENDANT-RESPONDENT. (CLAIM NO. 126445.)** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Oct. 2, 2020.)

**MOTION NO. (480/20) CAF 19-00425.** -- **IN THE MATTER OF JACIEON M. AND NYLANI R. MONROE COUNTY DEPARTMENT OF HUMAN SERVICES, PETITIONER-RESPONDENT; INDIA M., RESPONDENT, AND MARKEEF R., RESPONDENT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**MOTION NOS. (486-487/20) CA 19-00496 AND CA 19-00497.** -- **IN THE MATTER OF THE APPLICATION FOR DISCHARGE OF WAYNE J., CONSECUTIVE NO. 127873, FROM CENTRAL NEW YORK PSYCHIATRIC CENTER, PURSUANT TO MENTAL HYGIENE LAW SECTION 10.09, PETITIONER-APPELLANT, V STATE OF NEW YORK, NEW YORK STATE OFFICE OF MENTAL HEALTH, AND NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENTS-RESPONDENTS. (APPEAL NOS. 1 AND 2.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT:

CARNI, J.P., LINDLEY, CURRAN, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 2, 2020.)

**KA 19-02119. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSEPH R. CHEHOVICH, DEFENDANT-APPELLANT.** Motion to dismiss granted.

Memorandum: The matter is remitted to Cayuga County Court to vacate the judgment of conviction and dismiss the indictment (*see People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Oct. 2, 2020.)

**KA 19-00320. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALAN LIGHTEN, DEFENDANT-APPELLANT.** Motion to dismiss granted.

Memorandum: The matter is remitted to Supreme Court, Erie County, to vacate the judgment of conviction and dismiss the indictment (*see People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Oct. 2, 2020.)