

**DAY CALENDAR**  
**Thursday, April 9, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

506.0  
TP 14-01752

**ERIC BARNES**  
V  
**ANTHONY ANNUCCI**

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, Jefferson County [James P. McClusky, J.], entered September 26, 2014) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**ERIC BARNES for HIMSELF** Submitted

**PETER H. SCHIFF for ANTHONY ANNUCCI** Submitted

507.0  
KA 14-00327

**PEOPLE**  
V  
**ROGER BEAVER**

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered April 17, 2013. The judgment convicted defendant, upon his plea of guilty, of failure to register and/or verify as a sex offender.

**SUSAN C. MINISTERO for ROGER BEAVER** Submitted

**DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

508.0  
KA 12-01234

**PEOPLE**  
V  
**MATTHEW J. WIGGINS**

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered January 12, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

**CARA A. WALDMAN for MATTHEW J. WIGGINS** Submitted

**STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

509.0  
KA 14-00379

**PEOPLE**  
V  
**HENRY S. SPENCER, IV**

Appeal from a judgment of the Allegany County Court (Terrence M. Parker, J.), rendered January 15, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree and grand larceny in the fourth degree.

**CHRISTOPHER HAMMOND for HENRY S. SPENCER, IV** Submitted

**PETER JEROME DEGNAN for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

510.0  
KA 12-00100

**PEOPLE**  
V  
**KENNEDY D. WALKER**

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered November 9, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

JANE I. YOON for KENNEDY D. WALKER 10 minutes

ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

511.0  
KA 10-02099

PEOPLE  
V  
KATISHA BEATY

Appeal from a resentence of the Erie County Court (Michael F. Pietruszka, J.), rendered March 5, 2010. Defendant was resented upon her conviction of manslaughter in the first degree.

DAVID J. PAJAK for KATISHA BEATY Submitted

DONNA A. MILLING for THE PEOPLE OF THE STATE OF NEW YORK Submitted

512.0  
KA 10-01490

PEOPLE  
V  
RICHARD M. LEONARD

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered March 25, 2010. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree and unlawfully dealing with a child in the first degree.

BRIAN SHIFFRIN for RICHARD M. LEONARD 15 minutes

ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

513.0  
KA 14-00376

PEOPLE  
V  
RICHARD MICHAEL LEONARD

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Monroe County Court (James J. Piampiano, J.), rendered January 28, 2014. The order denied the motion of defendant to vacate his conviction pursuant to CPL 440.10.

BRIAN SHIFFRIN for RICHARD MICHAEL LEONARD Submitted

ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK Submitted

514.0  
KA 11-02368

PEOPLE  
V  
MANNIX A. MITCHELL

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, J.), rendered August 26, 2013. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the first degree

JAMES ECKERT for MANNIX A. MITCHELL 10 minutes

ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

515.0  
KA 13-00975

PEOPLE  
V  
HERLAND W. BOUWENS, III

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered May 30, 2013. The judgment convicted defendant, upon a jury verdict, of assault on a peace officer, police officer, fireman or emergency services professional, resisting arrest and obstructing governmental administration in the second degree.

WILLIAM G. PIXLEY for HERLAND W. BOUWENS, III

10 minutes

JAMES B. RITTS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

516.0  
KA 13-01758

PEOPLE

V

STEVEN C. MCKNIGHT, JR.

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 29, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CAITLIN M. CONNELLY for STEVEN C. MCKNIGHT, JR.

10 minutes

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

517.0  
KA 13-01759

PEOPLE

V

STEVEN C. MCKNIGHT, JR.

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 29, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CAITLIN M. CONNELLY for STEVEN C. MCKNIGHT, JR.

Submitted

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

519.0  
TP 14-01876

TYRONE PITTS

V

NEW YORK STATE OFFICE OF CHILDREN

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, Onondaga County [Hugh A. Gilbert, J.], entered October 8, 2014) to review a determination of respondent. The determination found petitioner to be the subject of an indicated report of child abuse or maltreatment.

KATIE FELICIA PITTS for TYRONE PITTS

Submitted

JULIE M. SHERIDAN for NEW YORK STATE OFFICE OF CHILDREN

Submitted

520.0  
CAF 14-00274

In the Matter of

DAVID W., JR.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered August 9, 2013 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.

ALAN BIRNHOLZ for DAVID W.

Submitted

JOSEPH T. JARZEMBEK for ERIE CO. DEPT. OF SOCIAL SERVICES

10 minutes

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

521.0  
CAF 14-00466

In the Matter of

DREW F.-C.

**SETTLED**

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 10, 2014 in a proceeding pursuant to Family Court Act article 3. The order, among other things, placed respondent in a limited secure facility with an onsite mental health component/program.

PAUL B. WATKINS, ATTORNEY FOR CHILD

DURIN BRIX ROGERS for GENESEE COUNTY ATTORNEY

522.0  
CAF 14-00467

In the Matter of  
DREW F.-C.

**SETTLED**

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 10, 2014 in a proceeding pursuant to Family Court Act article 3. The order, among other things, placed respondent in a limited secure facility with an onsite mental health component/program.

PAUL B. WATKINS, ATTORNEY FOR CHILD

DURIN BRIX ROGERS for GENESEE COUNTY ATTORNEY

523.0  
CAF 13-01536

CHARLES L. HIGGINS  
V  
JESSE M. HIGGINS

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered August 15, 2013 in a proceeding pursuant to Family Court Act article 6. The order, insofar as appealed from, granted the petition for modification of primary residential custody of the children.

BRIDGET L. FIELD for JESSE M. HIGGINS

Submitted

CHARLES L. HIGGINS for HIMSELF

30 minutes

PETER M. CASEY, ATTORNEY FOR CHILD

Submitted

525.0  
CA 14-01855

KATHLEEN BENEDETTI  
V  
ERIE COUNTY MEDICAL CENTER CORP.

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered January 31, 2014. The order denied the motion of defendant Erie County Medical Center Corporation to dismiss the complaint as untimely.

FRANK C. CALLOCCHIA for ERIE COUNTY MEDICAL CENTER CORP.

10 minutes

STEVEN M. COHEN for KATHLEEN BENEDETTI

10 minutes

526.0  
CA 14-01956

BAUSCH & LOMB INCORPORATED  
V  
RES EXHIBIT SERVICES, LLC

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered August 14, 2014. The order, among other things, granted plaintiff's cross motion for partial summary judgment

CHAD W. FLANSBURG for RES EXHIBIT SERVICES, LLC

15 minutes

TERRENCE L. ROBINSON, JR., for BAUSCH & LOMB INCORPORATED

10 minutes

527.0  
TP 14-01847

RICHARD H. PEESO  
V  
BARBARA J. FIALA

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, Monroe County [Ann Marie Taddeo, J.], entered October 10, 2014) to review a determination of respondent. The determination revoked the operator's license of petitioner.

DAVID M. ABBATOY, JR., for RICHARD H. PEESO 10 minutes

OWEN DEMUTH for BARBARA J. FIALA 10 minutes

528.0  
CA 14-01996

**In the Matter of Arbitration Between  
TOWN OF SCRIBA  
(TEAMSTERS LOCAL 317)**

Appeal from an order and judgment (one paper) of the Supreme Court, Oswego County (James W. McCarthy, J.), entered April 22, 2014 in a proceeding pursuant to CPLR article 75. The order and judgment granted the petition of petitioner to set aside an arbitrator's award and dismissed the cross petition of respondents to enforce the arbitrator's award.

MAIREAD ELLEN CONNOR for TEAMSTERS LOCAL 317 15 minutes

KEVIN COYER CARACCIOLI for TOWN OF SCRIBA 15 minutes

529.0  
CA 14-02069

**SANTO S. SCRUFARI  
V  
FEDERAL INSURANCE COMPANIES**

Appeal from an order of the Supreme Court, Niagara County (Timothy J. Walker, A.J.), entered January 30, 2014. The order, among other things, granted the cross motion of defendant Federal Insurance Companies for summary judgment dismissing plaintiff's complaint.

RICHARD T. SULLIVAN for SANTO S. SCRUFARI 10 minutes

KAREN Y. BONVALOT for FEDERAL INSURANCE COMPANIES 10 minutes

530.0  
CA 14-01785

**In the Matter of  
JUANITA QUINONES**

Appeal from an order and judgment of the Surrogate's Court, Chautauqua County (Stephen W. Cass, J.), entered December 2, 2013. The order and judgment directed petitioner to pay respondent the amount of \$927.50, representing fees as guardian ad litem.

DARYL BRAUTIGAM for CARMEN M. QUINONES Submitted

MICHAEL J. SULLIVAN for HIMSELF Submitted