

DAY CALENDAR
Monday, February 27, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

220.0
KA 16-00216

PEOPLE
V
TINA KRENKEL

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered January 12, 2016. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the seventh degree.

JOSEPH G. FRAZIER for TINA KRENKEL Submitted

THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK Submitted

221.0
KA 15-01529

PEOPLE
V
ANDREW J. ASKINS

Appeal from an order of the Ontario County Court (William F. Kocher, J.), entered November 20, 2013. The order determined defendant to be a level three risk pursuant to the Sex Offender Registration Act.

MARY P. DAVISON for ANDREW J. ASKINS Submitted

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

222.0
KA 15-00909

PEOPLE
V
MICHAEL A. KING, JR.

Appeal from a decision and order of the Genesee County Court (Robert C. Noonan, J.), dated April 24, 2015. The decision and order determined defendant to be a level two risk pursuant to the Sex Offender Registration Act.

NICHOLAS P. DIFONZO for MICHAEL A. KING, JR. Submitted

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

223.0
KA 15-00984

PEOPLE
V
MICHAEL NEWMAN

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered April 27, 2015. The order determined that defendant is a level three risk, pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for MICHAEL NEWMAN Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

224.0
KA 11-02039

PEOPLE
V
TERRIE J. RUSH

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, J.), rendered August 12, 2011. The judgment convicted defendant, upon a jury verdict, of identity theft in the first degree and criminal possession of a forged instrument in the second degree.

	DEENA K. MUELLER for TERRIE J. RUSH	10 minutes
	LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK	10 minutes
225.0 KA 16-00510	PEOPLE V GARY THIBODEAU	
	Appeal from a decision and order of the Oswego County Court (Daniel R. King, J.), dated March 2, 2016. The decision and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.	
	LISA A. PEEBLES for GARY THIBODEAU	15 minutes
	GREGORY S. OAKES for PEOPLE OF THE STATE OF NEW YORK	15 minutes
226.0 KA 15-00994	PEOPLE V DWAYNE HOLLEY	
	Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered October 4, 2012. The judgment convicted defendant, upon a nonjury verdict, of robbery in the first degree.	
	ROBERT L. KEMP for DWAYNE HOLLEY	10 minutes
	DANIEL J. PUNCH, for PEOPLE OF THE STATE OF NEW YORK	10 minutes
227.0 KA 15-00665	PEOPLE V TWAN CONWAY	
	Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), dated March 24, 2015. The order denied the motion of defendant to vacate the judgment of conviction pursuant to CPL 440.10.	
	ALAN WILLIAMS for TWAN CONWAY	10 minutes
	MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK	10 minutes
228.0 KA 16-00647	PEOPLE V MICHAEL D. STEVENS	
	Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered April 12, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree and resisting arrest.	
	LESLIE R. LEWIS for MICHAEL D. STEVENS	10 minutes
	STEVEN G. COX for PEOPLE OF THE STATE OF NEW YORK	10 minutes
229.0 KA 11-01294	PEOPLE V STEPHEN D. TAYLOR	
	Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered May 19, 2011. The judgment convicted defendant, upon a jury verdict of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.	
	BRIDGET L. FIELD for STEPHEN D. TAYLOR	10 minutes

	LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK	Submitted
230.0 KA 15-00341	PEOPLE V STEPHEN D. TAYLOR	
	Appeal from a decision and order of the Monroe County Court (Victoria M. Argento, J.), entered January 5, 2015. The decision and order denied the CPL article 440 motion of defendant.	
	BRIDGET L. FIELD for STEPHEN D. TAYLOR	Submitted
	LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK	Submitted
231.0 KA 14-02247	PEOPLE V RICHARD M. SWITTS	
	Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered December 8, 2014. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the second degree (six counts), sexual abuse in the second degree (two counts), sexual abuse in the third degree (three counts).	
	LINDA M. CAMPBELL for RICHARD M. SWITTS	15 minutes
	AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK	15 minutes
232.0 KA 15-02066	PEOPLE V RICHARD M. SWITTS	
	Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Oswego County Court (Donald E. Todd, J.), entered November 5, 2015. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of criminal sexual act in the second degree (six counts), sexual abuse in the second degree (two counts), sexual abuse in the third degree (three counts).	
	LINDA M. CAMPBELL for RICHARD M. SWITTS	Submitted
	AMY LEIGH HALLENBECK for PEOPLE OF THE STATE OF NEW YORK	Submitted
233.0 CA 16-00596	ALBERT G. FRACCOLA, JR. V 1ST CHOICE REALTY, INC.	
	Appeal from a decision, order and judgment (denominated order) of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered July 20, 2015. The decision, order and judgment determined that plaintiff had engaged in frivolous conduct and awarded defendant Phyllis Fraccola attorney's fees of \$1200.	
	ALBERT G. FRACCOLA, JR., for HIMSELF	10 minutes
	JAY G. WILLIAMS, III, for CHAD CARTENSEN	10 minutes
234.0 CA 15-02101	DENIS AKGUN V STATE OF NEW YORK	

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered November 10, 2015. The order, insofar as appealed from, directed that petitioner be placed on strict and intensive supervision and treatment.

BRYCE THERRIEN for DENIS AKGUN

Submitted

ALLYSON B. LEVINE for STATE OF NEW YORK

10 minutes

235.0
CA 16-00235

DANA S. HORVATH

V

JAMES M. HUTCHINSON, JR.

Appeal from a judgment of the Supreme Court, Jefferson County (James P. McClusky, J.), entered June 26, 2015. The judgment, among other things, granted the parties a divorce, nunc pro tunc.

LIONEL HECTOR for JAMES M. HUTCHINSON, JR.

10 minutes

KEITH B. CAUGHLIN for DANA S. HORVATH

10 minutes

236.0
CA 16-00289

MOUNTAIN MEADOWS CAMPERS ASSOCIATION

V

CAMPERS RESORTS, INC.

Appeal from a decision and order the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered April 28, 2015. The decision and order, insofar as appealed from, denied in part the motion of plaintiff for summary judgment and granted the cross motion of defendants for summary judgment.

ANN M. CAMPBELL for MOUNTAIN MEADOWS CAMPERS ASSOCIATION

15 minutes

MICHAEL E. FERDMAN for CAMPERS RESORTS, INC.

15 minutes

237.0
CA 16-00779

JERAD M. ZARNOCH

V

ROBERT W. LUCKINA

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered July 23, 2015. The order, insofar as appealed from, denied the motion of plaintiff to dismiss the affirmative defense of special employment.

EDWARD C. COSGROVE for JERAD M. ZARNOCH

15 minutes

VINCENT J. ROSSI, JR., for ROBERT W. LUCKINA

10 minutes

238.0
CA 16-00780

JERAD M. ZARNOCH

V

ROBERT W. LUCKINA

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered January 5, 2016. The judgment and order dismissed the complaint upon a jury verdict and denied the motion of plaintiff to set aside the verdict.

EDWARD C. COSGROVE for JERAD M. ZARNOCH

Submitted

VINCENT J. ROSSI, JR., for ROBERT W. LUCKINA

Submitted

239.0
CA 16-01305

DANIELLE N. CARR

V

CHRISTOPHER F. SHEEHAN

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered October 9, 2015. The order granted the motion of plaintiffs to enforce a settlement agreement.

TIMOTHY J. FENNELL for CHRISTOPHER F. SHEEHAN

10 minutes

DAVID B. GEURTSSEN for DANIELLE N. CARR

10 minutes

240.0
CA 16-00137

LEROY PIERCE

V

STATE OF NEW YORK

Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered December 23, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, continued petitioner's commitment to a secure treatment facility.

MICHAEL HIGGINS for LEROY PIERCE

10 minutes

FRANK BRADY for STATE OF NEW YORK

10 minutes

241.0
CA 15-01757

EDWARD FERRIS

V

GEORGE MERCIER

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered January 23, 2015. The order granted the motion of defendants to dismiss the complaint, dismissed the complaint and awarded defendants disbursements and attorney's fees in the amount of \$3,549.

EDWARD FERRIS for HIMSELF

Submitted

F. MICHAEL OSTRANDER for GEORGE MERCIER

15 minutes

242.0
CA 16-01420

BETHLEHEM STEEL CORPORATION

V

COUNTY OF ERIE

Appeal from an order and judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 13, 2015. The order and judgment granted the motion of respondents for leave to amend their answers, granted the motion of respondents for summary judgment and denied the motion of petitioner for summary judgment.

CRAIG A. LESLIE for BETHLEHEM STEEL CORPORATION

10 minutes

DANIEL A. SPITZER for COUNTY OF ERIE

15 minutes