

DAY CALENDAR
Wednesday, October 19, 2016 - 10:00 AM
COURTROOM 2

929.0
TP 16-00074

BRANDON KING
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, Wyoming County [Michael M. Mohun, A.J.], entered January 12, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for BRANDON KING

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

930.0
TP 16-00313

MICHAEL FREDERICK
V
DOCCS

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, Cayuga County [Thomas G. Leone, A.J.], entered February 24, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

MICHAEL FREDERICK for MICHAEL FREDERICK

Submitted

MARCUS J. MASTRACCO for NYS DOCCS

Submitted

931.0
TP 16-00104

JEFFREY JOSEPH
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, Wyoming County [Michael M. Mohun, A.J.], entered January 14, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for JEFFREY JOSEPH

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

932.0
KA 15-00647

PEOPLE
V
TERRI T. HAVENS

Appeal from an order of the Livingston County Court (Dennis S. Cohen, J.), entered February 26, 2016. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

JEANNIE MICHALSKI for TERRI T. HAVENS

Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

933.0
KA 15-00918

PEOPLE
V
RONALD GONYEAU, JR.

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered April 14, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

ROBERT TUCKER for RONALD GONYEAU, JR. Submitted

BRUCE A. ROSEKRANS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

934.0
KA 16-00078

PEOPLE
V
STEVEN P. BROCKWAY

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered July 31, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

SUSAN BETZJITOMIR for STEVEN P. BROCKWAY 15 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

935.0
KA 16-00087

PEOPLE
V
STEVEN P. BROCKWAY

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered July 31, 2013. The judgment convicted defendant, upon his plea of guilty, of tampering with a witness in the third degree.

SUSAN BETZJITOMIR for STEVEN P. BROCKWAY Submitted

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

936.0
KA 14-01243

PEOPLE
V
JOSEPH MACHADO

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered May 22, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree (two counts), burglary in the first degree (two counts), grand larceny in the fourth degree (three counts) and unlawful imprisonment in the first degree.

STEPHEN J. BIRD for JOSEPH MACHADO 10 minutes

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

937.0
KA 14-01981

PEOPLE
V
MARC MADORE

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered July 17, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the third degree.

PATRICIA M. MCGRATH for MARC MADORE 5 minutes

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

<p>938.0 KA 16-00161</p>	<p>PEOPLE V ANTHONY WILLIAMS, III</p>	<p>Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered September 29, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and unlawful possession of marihuana.</p>	<p>HERBERT L. GREENMAN for ANTHONY WILLIAMS, III</p>	<p>15 minutes</p>
			<p>DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK</p>	<p>10 minutes</p>
<p>939.0 KA 14-02102</p>	<p>PEOPLE V TOMMY L. MARTIN</p>	<p>Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered October 28, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.</p>	<p>SHERRY A. CHASE for TOMMY L. MARTIN</p>	<p>10 minutes</p>
			<p>JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK</p>	<p>10 minutes</p>
<p>940.0 CAF 14-01416</p>	<p>KELLY AMES HATCH-WALKER V AARON MATTHEW WALKER</p>	<p>Appeal from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered July 3, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that the parties shall have joint custody of the subject child.</p>	<p>HEIDI W. FEINBERG for KELLY AMES HATCH-WALKER</p> <p>CHARLES J. GREENBERG for AARON MATTHEW WALKER</p> <p>WENDY S. SISSON, ATTORNEY FOR CHILD</p>	<p style="text-align: center;">SETTLED</p>
<p>941.0 CAF 15-01744</p>	<p>In the Matter of NANCY T.</p>	<p>Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered September 22, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order terminated the parental rights of respondent.</p>	<p>CARL B. KUSTELL for LYNN T.</p> <p>JANE E. LOVE for CHAUTAUQUA CO. DSS</p> <p>NANCY ANN DIETZEN, ATTORNEY FOR CHILD</p>	<p>10 minutes</p> <p>10 minutes</p> <p>5 minutes</p>
<p>942.0 CAF 15-00684</p>	<p>In the Matter of OMIA M.</p>	<p>Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered January 26, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, denied respondent's motion to set aside an order approving respondent's surrender of her five children.</p>	<p>EVELYNE A. O'SULLIVAN for TYKIA B.</p>	<p>Submitted</p>

	ELISABETH M. COLUCCI for ERIE CO. DSS	Submitted
	DEAN S. PULEO, ATTORNEY FOR CHILD	Submitted
943.0 CAF 15-01812	In the Matter of GAIGE F.	
	Appeal from an order of the Family Court, Niagara County (John F. Batt, J.), entered September 25, 2015 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, granted the petition for the temporary removal of the subject child	
	KATHLEEN E. CASEY for CAROLYN F.	Submitted
	ABRAHAM J. PLATT for NIAGARA CO. DSS	Submitted
	VINCENT R GINESTRE, ATTORNEY FOR CHILD	Submitted
944.0 CAF 14-01867	In the Matter of NICKIE M.A.	
	Appeal from an order of the Family Curt, Erie County (Lisa Bloch Rodwin, J.), entered October 8, 2014 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined respondent to be, at most, a notice father.	
	EVELYNE A. O'SULLIVAN for PABLO F.	Submitted
	JOSEPH T. JARZEMBEK for ERIE CO. DSS	10 minutes
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
945.0 CAF 14-01869	In the Matter of PABLO A.	
	Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 8, 2014 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined respondent to be, at most, a notice father.	
	EVELYNE A. O'SULLIVAN for PABLO F.	Submitted
	JOSEPH T. JARZEMBEK for ERIE CO. DSS	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
946.0 CA 16-00236	DAVID GOWIN V AVOX SYSTEMS, INC.	
	Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 29, 2015. The order denied the motion of defendant for summary judgment.	
	VINCENT G. SACCOMANDO for AVOX SYSTEMS, INC.	10 minutes
	SCOTT MICHAEL DUQUIN for DAVID GOWIN	15 minutes
947.0 CA 15-01524	KERRY A. DONOHUE V RICHARD BERNSTEIN	SETTLED

Appeal from an order of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered December 2, 2014. The order, among other things, granted plaintiff's motion for reargument on the motion by defendant Richard Bernstein for summary judgment dismissing the complaint and upon reargument, the court reversed its prior determination granting summary judgment in favor of defendant Richard Bernstein and denied his motion for summary judgment.

JOSHUA P. RUBIN for RICHARD BERNSTEIN

JOHN A. COLLINS for KERRY A. DONOHUE

948.0
CA 15-01525

KERRY A. DONOHUE **SETTLED**
V
RICHARD BERNSTEIN

Appeal from an order of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered July 23, 2015. The order, among other things, granted the motion of defendant Richard Bernstein for leave to reargue and granted in part his motion for summary judgment.

JOSHUA P. RUBIN for RICHARD BERNSTEIN

JOHN A. COLLINS for KERRY A. DONOHUE

949.0
CA 15-01830

STATE OF NEW YORK
V
LERRYL SMITH

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered August 18, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, adjudged that respondent is a dangerous sex offender requiring confinement and committed respondent to the custody of petitioner for confinement in a secure treatment facility.

MARGOT S. BENNETT for LERRYL SMITH

Submitted

LAURA ETLINGER for STATE OF NEW YORK

10 minutes

950.0
CA 15-01831

STATE OF NEW YORK
V
LERRYL SMITH

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered September 18, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, denied respondent's motion to reargue.

MARGOT S. BENNETT for LERRYL SMITH

Submitted

LAURA ETLINGER for STATE OF NEW YORK

Submitted

951.0
CA 15-01827

ANNA STRANGIO
V
T.M. MAGADDINO VASQUEZ

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), entered July 6, 2015. The order, insofar as appealed from, granted in part the motion of defendant for summary judgment.

JOHN A. COLLINS for ANNA STRANGIO

10 minutes

ALEX M. NEUROHR for T.M. MAGADDINO VASQUEZ

10 minutes

952.0
CA 16-00239

BRANDY KOCH
V
LISA A. RICHARDSON

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 27, 2015. The order denied the motion of defendants Heather M. Griffith and William M. Griffith for summary judgment.

MARTHA E. DONOVAN for HEATHER M. GRIFFITH

10 minutes

JAMES M. VANDETTE for BRANDY KOCH

10 minutes