

**MOTION NO. (1384/02) KA 00-00941. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERROL WEATHERS, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (100/06) KA 02-01346. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DONTAE WILLIAMS, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., LINDLEY, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (97/07) KA 04-03064. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EDWARD W. JACKSON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (604/07) KA 05-01526. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARWIN J. PORTER, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (947/07) KA 03-01572. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRYAN R. HAWKINS, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND GREEN, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (1125/07) KA 06-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWN E. AKIN, DEFENDANT-APPELLANT.** -- Motion for reargument or, in the alternative, leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., FAHEY, GREEN, AND PINE, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (1325/07) KA 05-01444. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRANDON M. MCGRADY, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND PINE, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (327/08) KA 06-02136. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SAMMY CASWELL, ALSO KNOWN AS POOKIE, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: FAHEY, J.P., PERADOTTO, CARNI, AND PINE, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (1203/08) KA 07-02291. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID C. WILLIAMS, DEFENDANT-APPELLANT.** -- Motion for reargument granted, and upon reargument, the order of this Court entered December 31, 2009 is vacated, and the motion of defendant for a writ of error coram nobis is denied. Memorandum: Defendant has failed to establish that the representation provided by appellate counsel was constitutionally deficient. Defendant has not demonstrated that appellate counsel overlooked a clear-cut dispositive issue or the absence of any strategic or other legitimate explanation for the decision of appellate

counsel not to raise the issues raised by defendant in his motion papers (see *People v Borrell*, 12 NY3d 365). PRESENT: CENTRA, J.P., PERADOTTO, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (1370/08) KA 05-02072. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID M. LORET, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, AND PINE, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (1648/08) KA 99-02082. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEVE STROMAN, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, GREEN, AND PINE, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (378/09) KA 08-00375. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WALLACE R. SCHROM, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: FAHEY, J.P., CARNI, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

**MOTION NO. (996/09) CA 08-02656. -- GRIFFITH OIL COMPANY, INC., BIG FLATS REALTY, INC., AND E. PHILLIP SAUNDERS, AS TRUSTEE, PLAINTIFFS-APPELLANTS, V NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA., DEFENDANT-RESPONDENT, ET AL., DEFENDANTS. (APPEAL NO. 2.)** -- Motion for reargument denied; motion for leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., PERADOTTO, GREEN, AND GORSKI, JJ.

(Filed Mar. 19, 2010.)

MOTION NO. (1086/09) CA 09-00017. -- YASMIN KABIR, PLAINTIFF-APPELLANT, V COUNTY OF MONROE, MONROE COUNTY SHERIFF DEPARTMENT, KNOWN OR UNKNOWN MEMBERS OF MONROE COUNTY SHERIFF DEPARTMENT AND SUPERVISORY PERSONNEL, MONROE COUNTY SHERIFF PATRICK M. O'FLYNN, AND JOHN DIDOMENICO, INDIVIDUALLY AND AS A MONROE COUNTY DEPUTY SHERIFF, DEFENDANTS-RESPONDENTS. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1086/09) CA 09-00017. -- YASMIN KABIR, PLAINTIFF-APPELLANT, V COUNTY OF MONROE, MONROE COUNTY SHERIFF DEPARTMENT, KNOWN OR UNKNOWN MEMBERS OF MONROE COUNTY SHERIFF DEPARTMENT AND SUPERVISORY PERSONNEL, MONROE COUNTY SHERIFF PATRICK M. O'FLYNN, AND JOHN DIDOMENICO, INDIVIDUALLY AND AS A MONROE COUNTY DEPUTY SHERIFF, DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1104/09) CA 08-02182. -- ALAN J. HERDZIK, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF SCOTT HERDZIK, PLAINTIFF-APPELLANT-RESPONDENT, V TOM CHOJNACKI AND CHERYL CHOJNACKI, INDIVIDUALLY, DEFENDANTS-RESPONDENTS, JAMES LOMMER, SR. AND MARIA LOMMER, INDIVIDUALLY, DEFENDANTS-RESPONDENTS-APPELLANTS, ET AL., DEFENDANTS. JAMES LOMMER, SR., ET AL., THIRD-PARTY PLAINTIFFS, V HOWARD MICHEL AND COLLEEN MICHEL, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF JUSTIN MICHEL,

AND JUSTIN MICHEL, THIRD-PARTY DEFENDANTS-RESPONDENTS. (APPEAL NO. 1.) --  
Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND  
FAHEY, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1105/09) CA 08-02183. -- ALAN J. HERDZIK, INDIVIDUALLY AND AS  
PARENT AND NATURAL GUARDIAN OF SCOTT HERDZIK, PLAINTIFF-APPELLANT, V JAMES  
LOMMER, SR. AND MARIA LOMMER, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) --  
Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND  
FAHEY, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1452/09) CA 09-00798. -- GARY M. DISCHIAVI AND LINDA DISCHIAVI,  
PLAINTIFFS-APPELLANTS, V WILLIAM S. CALLI, ROBERT CALLI, HERBERT CULLY,  
CALLI, CALLI AND CULLY, CALLI, CALLI AND CULLY, L.L.P., CALLI AND CALLI,  
L.P., ANDREW S. KOWALCZYK, JOSEPH STEPHEN DEERY, JR., THOMAS S. SOJA, AND  
CALLI, KOWALCZYK, TOLLES, DEERY AND SOJA, DEFENDANTS-RESPONDENTS. (APPEAL  
NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals  
denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.  
(Filed Mar. 19, 2010.)

MOTION NO. (1453/09) CA 09-00801. -- GARY M. DISCHIAVI AND LINDA DISCHIAVI,  
PLAINTIFFS-APPELLANTS, V WILLIAM S. CALLI, CALLI, CALLI AND CULLY, L.L.P.,  
CALLI AND CALLI, L.P., DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL  
NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals  
denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.  
(Filed Mar. 19, 2010.)

MOTION NO. (1454/09) CA 09-00802. -- GARY M. DISCHIAVI AND LINDA DISCHIAVI, PLAINTIFFS-APPELLANTS, V WILLIAM S. CALLI, ET AL., DEFENDANTS, AND THOMAS S. SOJA, DEFENDANT-RESPONDENT. (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1455/09) CA 09-00803. -- GARY M. DISCHIAVI AND LINDA DISCHIAVI, PLAINTIFFS-APPELLANTS, V WILLIAM S. CALLI, ET AL., DEFENDANTS, ANDREW S. KOWALCZYK, JOSEPH STEPHEN DEERY, JR., AND CALLI, KOWALCZYK, TOLLES, DEERY AND SOJA, DEFENDANTS-RESPONDENTS. (APPEAL NO. 4.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1456/09) CA 09-00804. -- GARY M. DISCHIAVI AND LINDA DISCHIAVI, PLAINTIFFS-APPELLANTS, V WILLIAM S. CALLI, ET AL., DEFENDANTS, ROBERT CALLI, HERBERT CULLY, AND CALLI, CALLI AND CULLY, DEFENDANTS-RESPONDENTS. (APPEAL NO. 5.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1458/09) CA 08-02265. -- LT PROPCO, LLC, PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 1.) LORD & TAYLOR CAROUSEL, INC., PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION

NO. 2.) IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. LORD & TAYLOR CAROUSEL, INC., RESPONDENT-APPELLANT.

(PROCEEDING NO. 1.) (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1459/09) CA 08-02266. -- LT PROPCO, LLC, PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 1.) LORD & TAYLOR CAROUSEL, INC., PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 2.) KAUFMANN'S CAROUSEL, INC., PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 3.) IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. LORD & TAYLOR

CAROUSEL, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 1.) IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA.

KAUFMANN'S CAROUSEL, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 2.)

(APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1460/09) CA 09-00002. -- LT PROPCO, LLC, PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 1.) LORD & TAYLOR CAROUSEL, INC., PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 2.) KAUFMANN'S CAROUSEL, INC., PLAINTIFF-APPELLANT, V CAROUSEL CENTER COMPANY, L.P. AND CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, DEFENDANTS-RESPONDENTS. (ACTION NO. 3.) IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2

IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. LORD & TAYLOR CAROUSEL, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 1.) IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. KAUFMANN'S CAROUSEL, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 2.) (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1461/09) CA 09-00001. -- CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT 11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. LORD & TAYLOR CAROUSEL, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 1.) CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, TO ACQUIRE CERTAIN INTERESTS IN THE CAROUSEL CENTER SITE, WHICH SITE IS GENERALLY IDENTIFIED AS 1 CAROUSEL CENTER DRIVE (LOT

11K), SBL NO. 114-02-05.6; 304 HIAWATHA BOULEVARD W. REAR (LOT 11B), SBL NO. 114-02-05.2 IN THE CITY OF SYRACUSE, NEW YORK, WHICH PARCELS COMPRISE A PORTION OF THE SITE FOR THE PHASED PUBLIC PROJECT KNOWN AS DESTINY USA. KAUFMANN'S CAROUSEL CENTER, INC., RESPONDENT-APPELLANT. (PROCEEDING NO. 2.) (APPEAL NO. 4.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1476/09) CA 08-02191. -- KEITH LONG, PLAINTIFF-APPELLANT, V CELLINO & BARNES, P.C., THE BARNES FIRM, P.C., STEPHEN E. BARNES, ESQ., RICHARD J. BARNES, ESQ., AND ROSS M. CELLINO, JR., ESQ., DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1479/09) CA 09-01116. -- MICHAEL BROWN, PLAINTIFF-APPELLANT, V ROME UP & RUNNING, INC., DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1511/09) TP 09-00013. -- IN THE MATTER OF JOHN NAVAREZ, PETITIONER, V SIBATU KHAHAIFA, SUPERINTENDENT, ORLEANS CORRECTIONAL FACILITY, RESPONDENT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1634/09) CA 09-01333. -- VIRGIL SMITH, INDIVIDUALLY AND AS

PARENT AND NATURAL GUARDIAN OF DEREK SMITH, A MINOR, PLAINTIFF-APPELLANT, V HAZEL E. SHERWOOD, DEFENDANT, CITY OF SYRACUSE, SYRACUSE CITY SCHOOL DISTRICT, BOARD OF EDUCATION OF SYRACUSE CITY SCHOOL DISTRICT, CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, ALSO KNOWN AS CENTRO, INC., AND THEODORE R. GRAY, DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: FAHEY, J.P., PERADOTTO, GREEN, AND GORSKI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1649/09) KA 09-01289. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GLEN M. GOFF, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND CARNI, JJ. (Filed Mar. 19, 2010.)

MOTION NO. (1654/09) CA 09-01220. -- PHILIP TAFELSKI, PLAINTIFF-RESPONDENT-APPELLANT, V THE BUFFALO CITY CEMETERY, INC., DEFENDANT-APPELLANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND CARNI, JJ. (Filed Mar. 19, 2010.)

KAH 09-00394. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. ANTHONY BENNETT, PETITIONER-APPELLANT, V SIBATU KHAHAIFA, SUPERINTENDENT, ORLEANS CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Orleans County, James P. Punch, J. - CPLR Article 78). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19,

2010.)

**KA 07-01641. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONDELL BREEDLOVE, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Monroe County Court, Richard A. Keenan, J. - Criminal Possession of a Controlled Substance, 3rd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19, 2010.)

**KA 07-01642. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONDELL BREEDLOVE, DEFENDANT-APPELLANT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Monroe County Court, Richard A. Keenan, J. - Attempted Criminal Possession of a Weapon, 3rd Degree). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19, 2010.)

**KAH 09-00752. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. JOHNNIE BUNTING, JR., PETITIONER-APPELLANT, V SIBATU KHAHAIFA, SUPERINTENDENT, ORLEANS CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.** -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Orleans County, Tracey A. Bannister, J. - Habeas Corpus).

PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19, 2010.)

**KA 09-01208. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V THOMAS**

**S. DERUYTER, DEFENDANT-APPELLANT. --** Judgment unanimously affirmed.

Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Order of Ontario County Court, William F. Kocher, J. - Sex Offender Registration Act). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19, 2010.)

**KA 09-01177. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRYANT**

**R. GLOVER, DEFENDANT-APPELLANT. --** Judgment unanimously affirmed.

Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Cattaraugus County Court, Larry M. Himelein, J. - Criminal Possession of a Controlled Substance, 5th Degree). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 19, 2010.)

**KA 07-01861. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHASHIL**

**STANLEY, DEFENDANT-APPELLANT. --** Judgment unanimously affirmed. Counsel's

motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Monroe County, Patricia A. Marks, A.J. - Criminal Possession of a Controlled Substance, 7th Degree). PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, AND SCONIERS,

JJ. (Filed Mar. 19, 2010.)