

MOTION NO. (1985/95) KA 12-01735. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN SESSION, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, PERADOTTO, AND SCONIERS, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (1090/08) KA 05-02009. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER L. POOLE, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., FAHEY, PERADOTTO, SCONIERS, AND WHALEN, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (1585/09) KA 07-02429. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V AHMIR COLE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, AND LINDLEY, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (713/10) KA 08-01142. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT E. ANTHONY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, SCONIERS, AND MARTOCHE, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (150/12) KA 11-00148. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARNELL CARTER, DEFENDANT-APPELLANT. -- Motion for reargument of the appeal is granted and, upon reargument, the memorandum and order

entered June 15, 2012 (96 AD3d 1520) is amended by deleting the ordering paragraph and substituting the following ordering paragraph, "It is hereby ORDERED that the judgment so appealed from is affirmed," and by deleting the third paragraph of the memorandum and substituting the following paragraph, "The sentence is not unduly harsh or severe." PRESENT: SCUDDER, P.J., SMITH, SCONIERS, AND MARTOCHE, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (774/12) KA 11-00357. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JUSTIN T. WOODARD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND MARTOCHE, JJ. (Filed Nov. 9, 2012.)

MOTION NO. (922/12) KA 11-00452. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRANDON BIBBES, DEFENDANT-APPELLANT. -- Motion for reargument of the appeal is granted to the extent that, upon reargument, the memorandum and order entered September 28, 2012 (98 AD3d 1267) is amended by deleting the first sentence of the fourth paragraph of the memorandum and substituting the following sentence: "We reject defendant's further contention that Supreme Court erred in permitting a prosecution witness to testify that, on the day after the incident, defendant told her that he would 'cap [the victim] and her daughter' because he would not go to jail for a crime he did not commit, and that defendant then pulled up his shirt and revealed 'like a little gun or something like that in his waist.' " PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

(Filed Nov. 9, 2012.)

MOTION NO. (934/12) CA 11-01650. -- IN THE MATTER OF THE ESTATE OF STEVEN MAKITRA, SR., DECEASED. WILLIAM T. MAKITRA, AS EXECUTOR OF THE ESTATE OF STEVEN MAKITRA, SR., DECEASED, PETITIONER-RESPONDENT; STEVEN A. MAKITRA, JR., OBJECTANT-APPELLANT; PATRICK MCALLISTER, ESQ., GUARDIAN AD LITEM FOR SHANEGLOSS, RESPONDENT. -- Motion for reargument granted to the extent that a new oral argument of this appeal is added to this Court's day calendar at 9:30 a.m. on Wednesday, December 5, 2012. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed Nov. 9, 2012.)