

MOTION NO. (511/89) KA 09-01741. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NATHANIEL PITTMAN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND PINE, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (175/94) KA 10-01955. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KHARYE JARVIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CARNI, GREEN, AND PINE, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (850/94) KA 10-01934. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEVEN HOWINGTON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, LINDLEY, SCONIERS, AND GREEN, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (783/96) KA 10-01645. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EDWIN GARCIA, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, SCONIERS, AND GREEN, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (905/02) KA 01-01982. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHONDELL J. PAUL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., LINDLEY, SCONIERS,

GREEN, AND GORSKI, JJ. (Filed Nov. 12, 2010.)

**MOTION NO. (979/02) KA 00-02784. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOEL THOMAS THORN, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, GREEN, AND GORSKI, JJ. (Filed Nov. 12, 2010.)

**MOTION NO. (185/04) KA 00-02366. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FREDDIE GLOVER, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CARNI, SCONIERS, AND PINE, JJ. (Filed Nov. 12, 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 Nov. 12, 2010.)

**MOTION NO. (1006/08) KA 07-00713. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JARVIS LASSALLE, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis is held, the decision is reserved, and counsel is assigned to file and serve a brief on the issue of ineffective assistance of appellate counsel for failing to raise the issue that County Court erred in failing to advise defendant prior to the entry of his plea that his

sentence would include a period of postrelease supervision. PRESENT:  
SMITH, J.P., CENTRA, FAHEY, AND GORSKI, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (1209/08) KA 06-03133. -- THE PEOPLE OF THE STATE OF NEW YORK,  
RESPONDENT, V DION MAXWELL, DEFENDANT-APPELLANT. -- Motion for writ of  
error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, GREEN, AND  
GORSKI, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (293/10) KA 08-01505. -- THE PEOPLE OF THE STATE OF NEW YORK,  
RESPONDENT, V STEPHEN SIMON, ALSO KNOWN AS "LUCK," DEFENDANT-APPELLANT. --  
Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J.,  
MARTOCHE, PERADOTTO, LINDLEY, AND GORSKI, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (676/10) CA 09-01832. -- MICHAEL HENNER AND ELIZABETH HENNER,  
PLAINTIFFS-APPELLANTS, V EVERDRY MARKETING AND MANAGEMENT, INC., ET AL.,  
DEFENDANTS, AND GEMINI INSURANCE COMPANY, DEFENDANT-RESPONDENT. (APPEAL  
NO. 1.) -- Motion for reargument denied. PRESENT: SMITH, J.P., CARNI,  
LINDLEY, SCONIERS, AND PINE, JJ. (Filed Nov. 12, 2010.)

MOTION NO. (677/10) CA 09-01833. -- MICHAEL HENNER AND ELIZABETH HENNER,  
PLAINTIFFS-APPELLANTS-RESPONDENTS, V EVERDRY MARKETING AND MANAGEMENT,  
INC., ET AL., DEFENDANTS, CONTINENTAL CASUALTY COMPANY, TRANSPORTATION  
INSURANCE COMPANY, AND AMERICAN CASUALTY COMPANY OF READING, PA,

**DEFENDANTS-RESPONDENTS-APPELLANTS. (APPEAL NO. 2.)** -- Motion for reargument denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND PINE, JJ. (Filed Nov. 12, 2010.)

**MOTION NO. (765/10) CA 09-02135. -- IN THE MATTER OF LEGACY AT FAIRWAYS, LLC, US HOMES CO., INC., MARK IV CONSTRUCTION CO., INC., AND CHRISTOPHER A. DIMARZO, PETITIONERS-PLAINTIFFS-RESPONDENTS, V SEAN MCADOO, ALLAN J.**

**BENEDICT, ZONING BOARD OF APPEALS OF TOWN OF VICTOR, AND TOWN OF VICTOR, RESPONDENTS-DEFENDANTS-APPELLANTS. (APPEAL NO. 1.)** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., FAHEY, CARNI, GREEN, AND GORSKI, JJ. (Filed Nov. 12, 2010.)

**KA 09-01466. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERIC CARNEY, 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 Livingston County Court, Dennis S. Cohen, J. - Burglary, 3rd Degree). PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ. (Filed Nov. 12, 2010.)

**KA 09-01493. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSEPH G. CHASE, 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 Ontario County Court, Frederick G. Reed, J. - Criminal Contempt, 1st Degree). PRESENT: SCUDDER, P.J., SMITH,

CARNI, LINDLEY, AND GREEN, JJ. (Filed Nov. 12, 2010.)

**KA 09-01501. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALPHONSO ROLLEY, 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 Erie County Court, Michael F. Pietruszka, J. - Criminal Contempt, 1st Degree). PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ. (Filed Nov. 12, 2010.)

**KA 09-01626. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JESSEE WELDON, 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 Oneida County Court, Michael J. Dwyer, J. - Attempted Criminal Possession of a Weapon, 3rd Degree). PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ. (Filed Nov. 12, 2010.)