

MOTION NO. (702/97) KA 12-01928. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARCUS MOSBY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND WHALEN, JJ. (Filed Dec. 21, 2012.)

MOTION NOS. (1546-1547/98) KA 12-01290. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANKLIN B. BROWN, DEFENDANT-APPELLANT. KA 12-01291. -  
- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANKLIN B. BROWN, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Dec. 21, 2012.)

MOTION NO. (277/00) KA 98-05147. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICHARD WALLACE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, PERADOTTO, AND WHALEN, JJ. (Filed Dec. 21, 2012.)

MOTION NO. (1316/06) KA 04-02937. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CONSTANTINE L. JACKSON, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND SCONIERS, JJ. (Filed Dec. 21, 2012.)

MOTION NO. (1370/08) KA 05-02072. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID M. LORET, DEFENDANT-APPELLANT. -- Motion for reargument

denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, AND SCONIERS, JJ.  
(Filed Dec. 21, 2012.)

**MOTION NO. (124/09) KA 06-03044. -- THE PEOPLE OF THE STATE OF NEW YORK,  
RESPONDENT, V CONSTANTINE JACKSON, DEFENDANT-APPELLANT.** -- Motion for  
reargument denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND  
SCONIERS, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (1564/09) KA 08-01370. -- THE PEOPLE OF THE STATE OF NEW YORK,  
RESPONDENT, V STEPHEN LE, DEFENDANT-APPELLANT.** -- Motion for writ of error  
coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, VALENTINO,  
AND MARTOCHE, JJ. (Filed Dec. 21, 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 Dec. 21, 2012.)

**MOTION NO. (240/11) KA 07-00717. -- THE PEOPLE OF THE STATE OF NEW YORK,  
RESPONDENT, V RAPHAEL CASTILLO, DEFENDANT-APPELLANT.** -- Motion for writ of  
error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, CARNI, LINDLEY,  
AND SCONIERS, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (556/11) KA 10-00758. -- THE PEOPLE OF THE STATE OF NEW YORK,**

**RESPONDENT, V DARYL L. BURTON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, AND SCONIERS, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (1076/12) KA 10-01834. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MURAD BEYAH, DEFENDANT-APPELLANT.** -- Motion for rehearing or leave to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND WHALEN, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (405/12) TP 11-01530. -- IN THE MATTER OF RAMON ALVAREZ, PETITIONER, V BRIAN FISCHER, COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES, RESPONDENT.** -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (617/12) CA 11-02181. -- IN THE MATTER OF TOM THOMAS AND THOMAS ESTATES WEST, PETITIONERS-APPELLANTS, V CYNTHIA L. BOHEEN DAVIS, ASSESSOR, AND BOARD OF ASSESSMENT REVIEW OF TOWN OF CLARENDON, ORLEANS COUNTY, RESPONDENTS-RESPONDENTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND MARTOCHE, JJ. (Filed Dec. 21, 2012.)

**MOTION NO. (911/12) CA 12-00059. -- IN THE MATTER OF THE ARBITRATION**

BETWEEN NICHOLAS GIANGUALANO, MARY ANN ALLAN, RICHARD S. ALLAN, GARY L. ALLAN, KENNETH N. ALLAN, JEFFREY R. ALLAN AND ELIZABETH E. CHAIRES, PETITIONERS-RESPONDENTS, AND JAY B. BIRNBAUM AND ILENE L. FLAUM, AS CO-TRUSTEES OF TRUST "B" UNDER THE LAST WILL AND TESTAMENT OF BERNARD B. BIRNBAUM, DECEASED, RESPONDENTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P. CARNI, LINDLEY, AND MARTOCHE, JJ. (Filed Dec. 21, 2012.)

MOTION NO. (1013/12) CA 12-00556. -- PHILIP F. HANLON, PLAINTIFF-RESPONDENT, V MICHAEL D. HEALY, DEFENDANT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND MARTOCHE, JJ. (Filed Dec. 21, 2012.)

MOTION NO. (1159/12) CAF 11-01576. -- IN THE MATTER OF JAKOB B.-K. AND NIKOLY B.-K. CAYUGA COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; STEPHEN K., RESPONDENT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ. (Filed Dec. 21, 2012.)

KA 12-01971. -- THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT, V ISMAEL J. CRUZ, ALSO KNOWN AS JUNIOR, ALSO KNOWN AS JUNE, DEFENDANT-RESPONDENT. -- Motion to dismiss granted. Memorandum: The matter is remitted to Supreme Court, Monroe County, to dismiss sua sponte or on application by the

District Attorney or the attorney who appeared for defendant-respondent that portion of the indictment as it pertains to defendant-respondent (see *People v Matteson*, 75 NY2d 745). PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ. (Filed Dec. 21, 2012.)

**KA 10-01955. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KHARYE JARVIS, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed Dec. 21, 2012.)

**KA 11-00491. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRUCE J. KNAAK, 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, William F. Kocher, J. - Rape, 1st Degree). PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND VALENTINO, JJ. (Filed Dec. 21, 2012.)

**KA 09-02215. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RUSSELL C. PROUT, JR., DEFENDANT-APPELLANT.** -- Motion to dismiss granted. Memorandum: The matter is remitted to Monroe County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (see *People v Matteson*, 75 NY2d 745). PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ. (Filed Dec. 21, 2012.)

**KA 11-00354. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TASHA E. ROSBROOK, DEFENDANT-APPELLANT.** -- Appeal dismissed (see CPL 450.60 [3]). Counsel's motion to be relieved of assignment granted. (Appeal from Judgment of Watertown City Court, Kim H. Martusewicz, A.J. - Criminal Possession of a Forged Instrument, 3rd Degree). PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND VALENTINO, JJ. (Filed Dec. 21, 2012.)

**KA 11-00355. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TASHA E. ROSBROOK, 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 Jefferson County Court, Kim H. Martusewicz, J. - Criminal Possession of Stolen Property, 4th Degree). PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND VALENTINO, JJ. (Filed Dec. 21, 2012.)

**KA 11-02533. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JUSTIN WOODRUFF, 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, Craig J. Doran, J. - Criminal Possession of Stolen Property, 4th Degree). PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND VALENTINO, JJ. (Filed Dec. 21, 2012.)