

August 22, 2013

CASES

No. 239

In the Matter of the Hon. Robert E.
Alexander, a Justice of the Pembroke Town
Court, Genesee County.

On the Court's own motion, it is determined that
Honorable Robert E. Alexander is suspended, with
pay, effective immediately, from the office of Justice
of the Pembroke Town Court, Genesee County,
pursuant to NY Constitution, article VI, § 22 and
Judiciary Law § 44(8).
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

2 No. 237

In the Matter of Maureen S. Hoerger, et al.,
Appellants,
v.
Thomas J. Spota III,
Respondent,
The Suffolk County Board of Elections,
Respondent.

Order affirmed, without costs.
Opinion Per Curiam.
Chief Judge Lippman and Judges Graffeo, Read,
Pigott, Rivera and Abdus-Salaam concur.
Judge Smith dissents in an opinion.

2 No. 240

In the Matter of Dagan Lacorte,
Appellant,
v.
Howard L. Cytryn, et al.,
Respondents,
Rockland County Board of Elections,
Respondent.
(And Another Proceeding.)

Order affirmed, without costs, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

3 Mo. No. 2013-567
The People &c. ex rel. Taliv Ali,
 Appellant,
 v.
Justice Peter S. Feldstein,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-788
The People &c.,
 Respondent,
 v.
Andrew Blake,
 Appellant.

Motion for assignment of counsel granted and Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2013-826
In the Matter of The Council of the City of
New York,
 Respondent,
 v.
The Department of Homeless Services of the
City of New York, et al.,
 Appellants.

Motion by Coalition for the Homeless et al. for leave to appear amici curiae on the appeal herein denied. Chief Judge Lippman and Judge Abdus-Salaam took no part.

2 Mo. No. 2013-529
Ann C. Cunningham, &c.,
 Respondent,
 v.
Julia M. Baldari,
 Appellant,
et al.,
 Defendants.
(And a Third-Party Action.)
(And Another Action.)

Motion for reargument of motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-568
In the Matter of the State of New York,
Respondent,
v.
Nelson D. (Anonymous),
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2013-551
Lisa L. Dever,
Appellant,
v.
Mark DeVito et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2013-834
The People &c.,
Respondent,
v.
Sandra Diaz,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2013-856
The People &c.,
Respondent,
v.
Joseph Dumay,
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2013-692
The People &c.,
Respondent,
v.
Wilson Feliciano,
Appellant.

Motion for assignment of counsel granted and Steven Banks, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2013-539
In the Matter of the State of New York,
Respondent,
v.
Derek G.,
Appellant.

Motion for leave to appeal denied.

 Mo. No. 2013-680
The People &c.,
Respondent,
v.
Luis Guaman,
Appellant.

Motion by Evan Kent for leave to appear amicus
curiae on the appeal herein denied.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-569
In the Matter of Carlos Gutierrez,
Respondent,
v.
John B. Rhea, &c., et al.,
Appellants.

Motion for leave to appeal denied.

2 Mo. No. 2013-814
The People &c.,
Respondent,
v.
Pamela Hanson,
Appellant.

Motion for assignment of counsel granted and Lynn
W. L. Fahey, Esq., Appellate Advocates, 2 Rector
Street, 10th Floor, New York, NY 10006 assigned as
counsel to the appellant on the appeal herein.

2 Mo. No. 2013-679
The People &c.,
Respondent,
v.
Christopher Jackson,
Appellant.

Motion for an extension of the time within which to
apply for permission to appeal pursuant to CPL
460.20 granted and motion papers treated as a timely
CPL 460.20 application.

1 Mo. No. 2013-536
In the Matter of Trayvon J., &c.,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-521
Iris Kupferstein, &c.,
Appellant,
v.
City of New York,
Respondent.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

3 Mo. No. 2013-499
Daniel C. Lackey,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2013-563
In the Matter of Joshua Liner,
Appellant,
v.
Superintendent James and Brian Fischer, &c.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2013-787
The People &c.,
Respondent,
v.
Teofilo Lopez, &c.,
Appellant.

Motion for assignment of counsel granted and Steven
Banks, Esq., The Legal Aid Society, 199 Water
Street, New York, NY 10038 assigned as counsel to
the appellant on the appeal herein.
Judge Abdus-Salaam took no part.

4 Mo. No. 2013-811
The People &c.,
 Respondent,
 v.
Effrin McNeill,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2013-545
In the Matter of John McNelis,
 Respondent,
 v.
Susan Carrington,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2013-548
Meadowbrook Farms Homeowners
Association, Inc.
 Respondent,
 v.
JZG Resources, Inc.,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2013-562
Louis Nadal,
 Appellant,
 v.
The City of New York, et al.,
 Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2013-618
Town of Oyster Bay,
 Appellant,
 v.
Lizza Industries, Inc.,
 Respondent.
(And Other Actions.)

Motion by Associated General Contractors of New York State, LLC for leave to file a brief amicus curiae on the appeals herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served and nine copies filed within seven days.

4 Mo. No. 2013-774
Pinnacle Charter School, et al.,
 Appellants,
 v.
The Board of Regents of the University of the
State of New York, et al.,
 Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for a stay dismissed as academic.

1 Mo. No. 2013-547
In the Matter of Prudential Insurance
Company of America,
 Appellant,
 v.
James J. Wrynn, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-874
Nandkumar Ramkumar,
 Appellant,
 v.
Grand Style Transportation Enterprises Inc.,
et al.,
 Respondents.

Motion by New York Insurance Association for
leave to appear amicus curiae on the appeal herein
granted only to the extent that the proposed brief is
accepted as filed. Two copies of the brief must be
served and nine copies filed within seven days.

Grand Style Transportation Enterprises Inc.,
et al., Respondents,
 v.
Georgina D. Castillo,
 Third-Party Respondent.

1 Mo. No. 2013-713
The People &c.,
 Respondent,
 v.
Graham Reid,
 Appellant.

Motion for assignment of counsel granted and Steven
Banks, Esq., The Legal Aid Society, 199 Water
Street, New York, NY 10038 assigned as counsel to
the appellant on the appeal herein.
Judge Abdus-Salaam took no part.

2 Mo. No. 2013-741
The People &c.,
Respondent,
v.
Wilfredo Reina,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 dismissed upon the ground that no application for leave to appeal pursuant to CPL 460.20 will lie from an order of a single justice of the Appellate Division denying leave to appeal to that court pursuant to CPL 460.15.

1 Mo. No. 2013-678
The People &c.,
Respondent,
v.
Amanda Richardson,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2013-776
The People &c.,
Appellant,
v.
Anner Rivera,
Respondent.

Motion for assignment of counsel granted and Lynn W. L. Fahey, Esq., Appellate Advocates, 2 Rector Street, 10th Floor, New York, NY 10006 assigned as counsel to the respondent on the appeal herein.

2 Mo. No. 2013-698
The People &c.,
Respondent,
v.
Christopher Robbs,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

2 Mo. No. 2013-769
The People &c. ex rel. John F. Ryan, on
behalf of Richard Shaver,
Respondent,
v.
Kevin Cheverko, &c., et al.,
Appellants.

Motion by New York State Defenders Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed.

1 Mo. No. 2013-541
The People &c.,
 Respondent,
 v.
Ronald Sally,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2013-705
Ayodele Sandiford,
 Respondent,
 v.
City of New York Department of Education,
et al.,
 Appellants,
The Research Foundation, et al.,
 Defendants.

Motion by National Employment Lawyers
Association/New York for leave to appear amicus
curiae on the appeal herein granted only to the extent
that the proposed brief is accepted as filed. Two
copies of the brief must be served and nine copies
filed within seven days.

4 Mo. No. 2013-786
The People &c.,
 Respondent,
 v.
Quentin A. Sims,
 Appellant.

Motion for assignment of counsel granted and David
C. Schopp, Esq., The Legal Aid Bureau of Buffalo,
Inc., 237 Main Street, Suite 1602, Buffalo, NY
14203 assigned as counsel to the appellant on the
appeal herein.

2 Mo. No. 2013-514
Oscar Starker,
 Appellant,
 v.
Trump Village Section 4, Inc., &c., et al.,
 Defendants,
New York State Division of Housing and
Community Renewal,
et al.,
 Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

2 Mo. No. 2013-833

The People &c.,
Respondent,

v.

Michael Thomas, &c.,
Appellant.

The People &c.,
Respondent,

v.

Richard Diaz,
Appellant.

The People &c.,
Respondent,

v.

Juan Jose Peque, &c.,
Appellant.

Motion by Immigrant Defense Project for leave to
file a brief amicus curiae on the appeals herein
granted and the proposed brief is accepted as filed.