

June 04, 2013

**CASES**

4                      No. 103

The People &c.,  
Respondent,

v.

James E. Guilford,  
Appellant.

Order reversed, defendant's motion to suppress his March 23, 2007 statements granted and a new trial ordered.

Opinion by Chief Judge Lippman.

Judges Graffeo, Read, Smith, Pigott and Rivera concur.

Judge Abdus-Salaam took no part.

3                      No. 90

In the Matter of Hague Corporation,  
Respondent,

v.

Empire Zone Designation Board, et al.,  
Appellants.

Order, insofar as appealed from, affirmed, with costs.

Opinion by Chief Judge Lippman.

Judges Graffeo, Read, Pigott and Rivera concur.

Judge Smith dissents in an opinion.

Judge Abdus-Salaam took no part.

2                      No. 92

The People &c.,  
Respondent,

v.

Grady Hampton,  
Appellant.

Order affirmed.

Opinion by Judge Read.

Chief Judge Lippman and Judges Graffeo, Smith, Pigott and Rivera concur.

Judge Abdus-Salaam took no part.

4                      No. 88

In the Matter of J-P Group, LLC,  
Respondent,

v.

New York State Department of Economic  
Development, et al.,  
Appellants,  
et al.,  
Respondent.

Order, insofar as appealed from, affirmed, with costs.

Opinion by Chief Judge Lippman.

Judges Graffeo, Read, Pigott and Rivera concur.

Judge Smith dissents in an opinion.

Judge Abdus-Salaam took no part.

4                    No. 87  
James Square Associates LP, et al.,  
    Respondents,  
    v.  
Dennis Mullen, Commissioner New York  
State Department of Economic Development,  
et al.,  
    Appellants.

Order, insofar as appealed from, affirmed, with costs.  
Opinion by Chief Judge Lippman.  
Judges Graffeo, Read, Pigott and Rivera concur.  
Judge Smith dissents in an opinion.  
Judge Abdus-Salaam took no part.

3                    No. 89  
In the Matter of Morris Builders, LP, et al.,  
    Respondents,  
    v.  
Empire Zone Designation Board et al.,  
    Appellants.

Order, insofar as appealed from, affirmed, with costs.  
Opinion by Chief Judge Lippman.  
Judges Graffeo, Read, Pigott and Rivera concur.  
Judge Smith dissents in an opinion.  
Judge Abdus-Salaam took no part.

1                    No. 107  
The People &c.,  
    Respondent,  
    v.  
Nicholas Sanchez,  
    Appellant.

Order affirmed.  
Opinion by Judge Graffeo.  
Chief Judge Lippman and Judges Read, Smith, Pigott  
and Rivera concur.  
Judge Abdus-Salaam took no part.

4                    No. 108  
The People &c.,  
    Respondent,  
    v.  
Chester J. Thomas,  
    Appellant.

Order affirmed.  
Opinion by Judge Smith.  
Chief Judge Lippman and Judges Graffeo, Read,  
Pigott and Rivera concur.  
Judge Abdus-Salaam took no part.

3                    No. 91  
In the Matter of WL, LLC,  
    Respondent-Appellant,  
    v.  
Department of Economic Development, Also  
Known as Empire State Development, et al.,  
    Appellants-Respondents.

Order affirmed, without costs.  
Opinion by Chief Judge Lippman.  
Judges Graffeo, Read, Pigott and Rivera concur.  
Judge Smith dissents in part in an opinion.  
Judge Abdus-Salaam took no part.

## MOTIONS

2                    Mo. No. 2013-392  
In the Matter of Jemal Albritton,  
                  Appellant,  
                  v.  
Brian Fisher &c.,  
                  Respondent.

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

1                    SSD 31  
In the Matter of Anonymous, an attorney and counselor-at-law.  
  
Departmental Disciplinary Committee for the First Judicial Department,  
                  Respondent,  
Anonymous,  
                  Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.  
Judge Abdus-Salaam took no part.

3                    Mo. No. 2013-458  
The People &c. ex rel. Prince Backman,  
                  Appellant,  
                  v.  
Jim Walsh &c.,  
                  Respondent.

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

4                    Mo. No. 2013-409  
In the Matter of Daltun A.B.  
  
Steuben County Department of Social Services,  
                  Respondent;  
Daniel B., Jr.,  
                  Appellant.  
(And Two Other Proceedings.)

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

2                    Mo. No. 2013-428  
Broadway-Flushing Homeowners'  
Association, Inc.,  
                    Respondent,  
                    v.  
Anthony Dilluvio, et al.,  
                    Appellants,  
et al.,  
                    Defendants.

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

4                    Mo. No. 2013-430  
The People &c.,  
                    Respondent,  
                    v.  
Eric Brownlee,  
                    Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2013-361  
Daniel Capruso, et al.,  
                    Respondents,  
                    v.  
Village of Kings Point, et al.,  
                    Appellants.

Motion for leave to appeal granted.

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State of New York,  
                    Respondent,  
                    v.  
Village of Kings Point,  
                    Appellant.

2                    Mo. No. 2013-433  
Chester Industrial Park Associates, L.P.,  
                    Appellant,  
                    v.  
State of New York,  
                    Respondent.

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

2                    Mo. No. 2013-417  
Clemente Bros. Contracting Corp., et al.,  
Appellants,  
v.  
Aprile Hafner-Milazzo, &c.,  
Defendant,  
Capital One, N.A.,  
Respondent.

Motion for leave to appeal granted.

2                    Mo. No. 2013-384  
In the Matter of Antonio C. Cunha,  
Respondent,  
v.  
Rosa E. Urias,  
Appellant.

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

2                    Mo. No. 2013-464  
The People &c.,  
Respondent,  
v.  
Eric S. Deline,  
Appellant.

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

4                    Mo. No. 2013-423  
The People &c.,  
Respondent,  
v.  
Jessie J. Dukes,  
Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2013-426  
Georgette Fleischer, &c.,  
Appellant,  
v.  
The New York State Liquor Authority, et al.,  
Respondents.

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

2                    Mo. No. 2013-518  
The People, &c., ex rel. Mitchel D. G.,  
Appellant,  
v.  
Interfaith Medical Center, &c., et al.,  
Respondents.

Motion for sanctions and other relief denied.

4                    Mo. No. 2013-436  
Griffiss Local Development Corporation, et  
al.,  
Appellants,  
v.  
Colleen C. Gardner, &c., et al.,  
Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2013-390  
The People &c.,  
Respondent,  
v.  
Chauncy James,  
Appellant.

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

4                    Mo. No. 2013-414  
The People &c.,  
Respondent,  
v.  
Greg King,  
Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2013-420  
Legacy Development,  
Appellant,  
v.  
Victor Liberatore et al.,  
Respondents.

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

2                    Mo. No. 2013-412  
The People &c.,  
    Respondent,  
    v.  
Ruben Martinez,  
    Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2013-379  
In the Matter of Sandra N.,  
    Appellant,  
    v.  
Administration for Children's Services, et al.,  
    Respondents,  
Seamen's Society for Children and Families,  
et al.,  
    Respondents.

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

1                    Mo. No. 2013-432  
Larry Pouncy,  
    Appellant,  
    v.  
Jason L. Solotaroff, et al.,  
    Respondents.

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

3                    Mo. No. 2013-410  
In the Matter of Michael Sacks  
et al.,  
    Appellants,  
    v.  
Tax Appeals Tribunal of the State of New  
York, et al.,  
    Respondents.

Motion for leave to appeal denied.



1                    Mo. No. 2013-403  
The People &c.,  
    Respondent,  
    v.  
Fernando Salas,  
    Appellant.

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

1                    Mo. No. 2013-506  
In the Matter of Craig S.,  
    Appellant,  
    v.  
Donna S.,  
    Respondent.

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

3                    Mo. No. 2013-452  
The People &c.,  
    Respondent,  
    v.  
William Walker,  
    Appellant.

Motion for leave to appeal denied.