

January 06, 2011

**CASE**

3                   No. 62   SSM 62  
The People &c.,  
                  Respondent,  
                  v.  
Patrick R. Ashley,  
                  Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Jones concur. Judge Pigott took no part.

**MOTIONS**

1                    Mo. No. 2010-1193  
The People &c.,  
                      Respondent,  
                      v.  
Daniel Baez,  
                      Appellant.

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

1                    Mo. No. 2010-1240  
John Landrum Bryant, et al.,  
                      Appellants,  
                      v.  
One Beekman Place, Inc., et al.,  
                      Respondents.

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

1                    Mo. No. 2010-1205  
In the Matter of City Services,  
Inc., et al.,  
                      Appellants,  
                      v.  
Richard H. Neiman, &c., et al.,  
                      Respondents.

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

2                    Mo. No. 2010-1207  
In the Matter of Michael G. Dowd,  
                      Petitioner,  
Barbara Sheehan,  
                      Appellant,  
                      v.  
Richard Buchter, &c., et al.,  
                      Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2010-1194  
The People &c.,  
                      Respondent,  
                      v.  
Robert Galarza,  
                      Appellant.

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

1                   Mo. No. 2010-1347  
The People &c.,  
                    Respondent,  
                    v.  
Corey Gamble,  
                    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.

4                   Mo. No. 2010-1373  
The People &c.,  
                    Respondent,  
                    v.  
Phillip George,  
                    Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 dismissed as untimely. Judge Pigott took no part.

3                   Mo. No. 2010-1135  
James Hastie,  
                    Appellant,  
                    v.  
State University of New York  
(SUNY) College of Agriculture &  
Technology at Morrisville, &c.,  
                    Respondent.

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

1                   Mo. No. 2010-1156  
Robert Henry,  
                    Appellant,  
                    v.  
Pedro L. Peguero et al.,  
                    Respondents.

Motion for reconsideration of this Court's September 14, 2010 dismissal order denied.

1                   Mo. No. 2010-1368  
The People &c.,  
                    Respondent,  
                    v.  
Rolando Herrera,  
                    Appellant.

Motion for assignment of counsel granted and Robin G. Steinberg, Esq. and Matthew Caldwell, Esq., c/o The Bronx Defenders, 860 Courtlandt Ave., Bronx, NY 10451 assigned as counsel to the appellant on the appeal herein.

Mo. No. 2011-17  
The People &c.,  
Respondent,  
v.  
Joseph Hightower,  
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. 2011-7  
The People &c.,  
Respondent,  
v.  
David Holland,  
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.

2 Mo. No. 2011-21  
The People &c.,  
Respondent,  
v.  
Padraic Keating,  
Appellant.

Motion for assignment of counsel granted and Lauren G. Klein, Esq., PO Box 2042, Nantucket, MA 02584 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2010-1229  
In the Matter of Justyce M. and  
Aahmyl E.  
  
Monroe County Department of Human  
Services,  
Respondent;  
Shavon E.,  
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.

4 Mo. No. 2010-1212  
The People &c.,  
Respondent,  
v.  
Andrew J. Miller,  
Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2010-1232  
In the Matter of Phyllis G.  
Ogden,  
                    Appellant,  
                    v.  
New York State Division of Human  
Rights et al.,  
                    Respondents.

Motion for leave to appeal denied.

                    Mo. No. 2010-1300  
Penguin Group (USA) Inc.,  
                    Appellant,  
                    v.  
American Buddha,  
                    Respondent.

Motion by Public Citizen for leave to  
appear amicus curiae on consideration  
of the certified question herein  
granted only to the extent that the  
proposed brief is accepted as filed.  
Two copies of the brief must be served  
and 24 copies filed within seven days.

2                    Mo. No. 2010-1344  
The People &c.,  
                    Respondent-Appellant,  
                    v.  
Santos Quinto,  
                    Appellant-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 appellant-  
respondent on the appeal herein.

3                    Mo. No. 2010-1171  
In the Matter of Residents for  
Responsible Government,  
                    Appellant,  
                    v.  
Alexander B. Grannis, &c.,  
et al.,  
                    Respondents.  
(And Another Proceeding.)

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

3                    Mo. No. 2010-1186  
The People &c.,  
                    Respondent,  
                    v.  
Daniel Rhodehouse,  
                    Appellant.

Motion for leave to appeal denied.

1                   Mo. No. 2010-1362  
The People &c.,  
                    Respondent,  
                    v.  
Rafael Rodriguez,  
                    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.

2                   Mo. No. 2010-1157  
Helen Skouras,  
                    Appellant,  
                    v.  
Victoria Hall Condominium,  
et al.,  
                    Respondents.

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.

3                   Mo. No. 2010-1236  
In the Matter Brenda T. Smith,  
                    Respondent,  
                    v.  
Cornell University et al.,  
                    Appellants.  
Workers' Compensation Board,  
                    Respondent.

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

1                   Mo. No. 2010-1200  
The People &c.,  
                    Respondent,  
                    v.  
Rafael Valentin,  
                    Appellant.

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

4                   Mo. No. 2010-1195  
The People &c.,  
                    Respondent,  
                    v.  
Orlando Vicens,  
                    Appellant.

Motion for leave to appeal denied.