

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Marcy L. Kahn, Justices.

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In the Matter of the Application of
Daisy Wright, et al.,
Petitioners-Respondents,

For a Judgment Under Article 78 of
the Civil Practice Law and Rules,

-against-

M-2452
Action No. 1
Index No. 100641/15

Jewish Home Lifecare, Manhattan,
Respondent-Appellant,

-and-

New York State Department of Health,
et al.,
Respondents.

- - - - -
In the Matter of the Application of
The Friends of P.S. 163, Inc., et al.,
Petitioners-Respondents,

For a Judgment Under Article 78 of
the Civil Practice Law and Rules

-against-

Action No. 2
Index No. 100546/15

Jewish Home Lifecare, Manhattan,
Respondent-Appellant,

New York State Department of Health,
et al.,
Respondents.

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The New York State Department of Health and its commissioner Howard Zucker having moved for reargument of our order entered April 19, 2016 (M-1637, M-1638), to the extent that it denied their motions to intervene, or appear as amici curiae on two appeals brought by Jewish Home Lifecare,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted. The Court is directed to accept the 10 copies of the Attorney General's brief, which has been submitted for the amici with their motion.

These two hybrid article 78 proceedings and plenary actions both challenge the determination by respondent New York State Department of Health (DOH) and its commissioner, respondent Howard Zucker (collectively, the State respondents), to approve an application by respondent Jewish Home Lifecare (JHL) to build a nursing home on the Upper West Side of Manhattan. Supreme Court, perceiving deficiencies in the State respondents' review of JHL's application under the State Environmental Quality Review Act (SEQRA), annulled the approval. JHL served a timely notice of appeal from the order, but the State respondents, presumably by inadvertence, failed to do so.

The Attorney General, as counsel for the State respondents, sought to file a brief as respondents on JHL's appeal, supporting JHL's argument, as appellant, that the order should be reversed. This Court's clerk's office declined to accept the Attorney General's brief on the ground that, because the State respondents were aggrieved by the order under review, it was inappropriate for them to file a respondents' brief urging reversal. At the clerk's suggestion, the Attorney General then moved, on behalf of the State respondents with respect to each proceeding, for leave to intervene in the appeal or, in the alternative, for permission to file a brief as amici curiae in support of JHL. By order dated April 19, 2016, we denied those motions, referring to them only as motions "for leave to intervene as respondents-appellants in connection with each of the respective actions, or for other relief."

The Attorney General now moves to reargue the previously denied motions, this time seeking only permission for the State respondents to file a brief as amici curiae. In support of reargument, the Attorney General brings to our attention that, as established by supporting documentary exhibits, other departments of the Appellate Division permit a party in the position of the State respondents to file a brief as a respondent. Indeed, the Attorney General also brings to our attention that the Court of Appeals recently has denied a motion to preclude the City of New York, which had not itself sought leave to appeal from an order annulling its approval of a development project, from filing a respondent's brief in support of the developers' appeal from that order (see *Avella v City of New York*, 27 NY3d 1059 [2016]).¹ Thus, it is not surprising that neither petitioners, who oppose the State respondents' present motion, nor the dissent, which would deny it, identify any statute or official court rule that would have prohibited the Attorney General from filing a respondents' brief on this appeal on behalf of the State respondents.

The appeal as to which the State respondents seek relief is already sub judice before a different panel of this Court, which heard oral argument on May 24. In view of this situation, the majority of this panel believes that the more sensible action for us to take would have been to grant reargument and, upon reargument, to grant the motion to the extent of referring to the appellate panel the question of whether to accept the Attorney General's brief, 10 copies of which have been submitted with the motion. Because the dissenting justice refuses to permit such a referral, we are left to decide the underlying issue ourselves.

In our view, to decline to accept the Attorney General's brief would be an improvident exercise of discretion. The matter is one of public interest, both to the affected community and to DOH, the agency whose SEQRA review procedures are under challenge. Beyond the resolution of this particular dispute, DOH has an institutional interest, not shared by JHL, in the standards by which the courts review DOH's procedures and determinations. While we continue to believe that it would have been preferable to permit the appellate panel to make the determination, we see no substantial reason to deny this Court,

¹The motion in *Avella* was made by the same lawyers who represent petitioners in one of the cases presently before us (the *Wright* matter).

in deciding the appeal, the benefit of the outlook of DOH, as the agency whose action is at issue, and the Attorney General, as the statutory representative of the executive departments of state government, on these issues.

We do not agree with the dissent that granting the State respondents status as amici curiae on this appeal is inappropriate because the State respondents are somehow "partisan" with respect to this litigation. Nothing before us indicates that the State respondents, or any other agency of the State of New York, has a direct interest in whether JHL's proposed nursing home is built. The State respondents merely approved the project upon JHL's application. The interest of the State respondents in this appeal lies in the effect that this Court's decision will have in setting the standards by which courts review the actions of DOH, a matter which necessarily will affect how DOH, and perhaps other state agencies, conduct governmental business in the future. This is an interest of precisely the kind that an institution granted amicus status — particularly a governmental institution — typically has in the litigation in which it is granted leave to file a brief.²

²The case law the dissent cites on this point is inapposite. In *People v Reason* (44 AD2d 533 [1st Dept 1974], *affd* 37 NY2d 351 [1975]), a criminal defendant refused, on appeal, to challenge the trial court's determination that he was competent to stand trial, and we declined to "adopt counsel's suggestion that we appoint an *amicus curiae* to raise the competency question on appeal" (*id.* at 533). Obviously, it would have been inappropriate to appoint an *amicus curiae* to argue for relief that was not sought by any party to the appeal, something that the State respondents do not propose to do here. In the other case cited by the dissent (*Central Hanover Bank & Trust Co. v Saranac Riv. Power Corp.*, 243 App Div 843 [3d Dept 1935]), the Third Department rejected an application to appear as *amicus curiae* by a holder of bonds issued by a party to the action, noting that "[t]he trustee of [the issuer of the bonds] is a defendant in the suit, and there is no proof to indicate that the trustee is incompetent or unwilling to protect the interests of the bondholders" (*id.* at 844). Thus, the rejected applicant for *amicus curiae* status in *Central Hanover* was a person who had

We do not share the dissent's concern that our decision legitimizes or encourages "end run[s]" around the requirement that a party aggrieved by an order file a timely notice of appeal to obtain relief therefrom. In this case, JHL, the private party directly aggrieved by the order under review, filed a timely notice of appeal from that order, and any relief granted on this appeal must be requested by, and inure to the benefit of, JHL. Because the State respondents do not propose to argue for any relief beyond that sought by JHL, there is no jurisdictional impediment to granting them leave to file a brief as amici curiae. A party's failure to notice an appeal, while it deprives that party of the ability to obtain distinct and affirmative appellate relief from the order in question, does not somehow mandate that this Court not consider the nonappealing party's arguments in support of a pending appeal by another party. Further, we see no prospect that any litigant will deliberately refrain from filing a timely notice of appeal in the hope of being granted amicus curiae relief, with the obvious limitations implied by that status - including the inability to obtain relief not sought by an actual appellant.

All concur except Tom, J., who dissents in a memorandum as follows:

Tom, J. (dissenting)

Regardless of what the majority call these petitions, the instant motion before this Court is simply a motion by respondent Department of Health (DOH) and its commissioner (together the State respondents) to reargue this Court's order insofar as it denied that branch of their prior motion for leave to file an amicus curiae brief after having failed to take an appeal of an adverse ruling against them.

The State respondents who failed to file a notice of appeal of an adverse ruling from Supreme Court again ask this Court for

merely an indirect private pecuniary interest in the particular subject matter of the litigation, a far cry from the broader institutional and public interests represented by the State respondents here.

permission to file its brief as amici curiae. Notably, throughout its decision the majority makes it appear as though the Attorney General is seeking to file an amicus brief on his own behalf rather than as State attorney representing the State respondents. While the majority briefly acknowledges that the Attorney General is counsel for the State respondents, their decision repeatedly refers to the brief in question as the "Attorney General's brief" and the present motion as the Attorney General's motion. This only serves to confuse as legal motions and briefs generally never refer to a party's counsel as the movant, but to the party directly. It is more accurate to describe this brief and motion as being made by the State respondents. This is significant because there may be other instances where the Attorney General - having no direct connection to a case - properly seeks to file an amicus brief in his role as the principal legal officer representing New York State. Here, the Attorney General is the State lawyer representing the State respondents in this litigation and the motion for amicus curiae is a motion by the State respondents.

This action concerns respondent-appellant Jewish Home's plan to build a new building on the Upper West Side which is opposed by the community appurtenant to a school adjacent to the project site and by other community members. Two separate article 78 proceedings were brought to challenge the approval of the project by respondent DOH. Jewish Home and DOH were named as respondents in both proceedings.

In a consolidated decision, Supreme Court upheld many of respondents' determinations but found that an inadequately "hard look" had been taken with respect to the issue of construction noise and of hazardous materials, including lead, and, accordingly, granted the petitions to the extent of vacating DOH's determination approving the project and remanding it to DOH for an additional environmental review of the project. Jewish Home appealed, but DOH and its Commissioner did not.

The majority's contention that the State respondents are somehow not "partisan" in this action because they have no "interest in whether JHL's proposed nursing home is built" and "merely approved the project" is absurd. First, the State respondents are named parties in this lawsuit. Further, the primary issue on appeal is the validity of the State agency's SEQRA review which was found inadequate by Supreme Court. Specifically, the Supreme Court found that the State agency failed to take an adequate "hard look" at the environmental impact of this project and remanded the matter to DOH for further proceedings. Thus, the State respondents are aggrieved by the determination and clearly "partisan" in this litigation and

appeal. In a nutshell, after having failed to take an appeal, the State respondents as aggrieved parties are seeking to reverse the Supreme Court ruling not by an appeal but by an amicus curiae brief. This is unprecedented in this Court and totally unacceptable.

Failure to file a notice of appeal is a jurisdictional defect that cannot be cured and mandates dismissal of an appeal or, where appropriate, striking of a brief (CPLR 5513[a]; *Dewey Ballantine LLP v Philippine Natl. Bank*, 303 AD2d 178 [1st Dept 2003]; see also *Wausau Ins. Cos. v Feldman*, 213 AD2d 179, 180 [1st Dept 1995][granting motion to strike brief filed by party which never filed a notice of appeal or cross appeal]). Thus, were DOH - a party to these proceedings - to file a brief on this matter, striking the brief would be mandated. The motions to this Court, discussed herein, indicate that the State respondents are aware that their failure to file a notice of appeal prevents them from filing a brief on this appeal without permission from this Court.

Although the State respondents failed to appeal, they attempted to file a brief as respondents on the appeal. However, in accordance with the long-standing practice of this Court, this Court's clerk's office properly declined to accept the brief because, as aggrieved parties, the State respondents should have but failed to take an appeal. Indeed, CPLR 5511 provides that an aggrieved party "may appeal from any appealable judgment or order" and "shall be designated as the appellant" while the "adverse party [shall be designated] as the respondent." Thus, DOH and its Commissioner, as aggrieved parties aligned with appellant Jewish Home and whose environmental review was rejected by Supreme Court as inadequate, cannot be designated as respondents in this appeal because they are aggrieved parties subject to the mandates of CPLR 5513. The majority's failure to recognize this basic procedural rule, which can be best described as "Appellate Practice 101," is perplexing. Further, the majority's claim that neither petitioners nor I can identify any statute or official court rule that would prohibit the State respondents from filing an amicus brief can only be described as disingenuous.

The majority's contention that this Court's clerk's office advised the State respondents to move "for leave to intervene in the appeal, or in the alternative for permission, to file a brief as amici curiae" appears to be based on information in a

supplemental letter submitted by the State respondents in this motion. The majority's assertion is inaccurate. The dissent has been informed to the contrary by the Clerk of this Court. More specifically, the procedure of the clerk's office when a party is dissatisfied with the rejection of their brief is for the clerk to merely advise them to "make a motion to the judges." In no case would a non attorney clerk advise and tell an attorney exactly what sort of motion to make such as a motion "to intervene" or a motion for "amicus curiae" or specify what legal relief to request.

The majority relies on the State respondents' claim that "other departments of the Appellate Division permit a party in the position of the State respondents to file a brief as respondent." However, this position is misleading and unfounded as the supporting exhibits provided by the State respondents are clearly distinguishable from this matter. Specifically, they include a brief for nonparty State Office of Children & Family Services in an appeal concerning the Surrogate Court's authority to vacate or deny recognition to a foreign order of adoption, and two estate matters on which the Attorney General is permitted to represent and enforce the right of certain beneficiaries pursuant to EPTL 8-1.1. In any event, this Court's practice is not to allow such filings and the practice of other courts has no bearing on our established procedures and rules.

The State respondents' reliance (in a supplemental submission) on the Court of Appeals decision in *Avella v City of New York* (27 NY3d 1059, 1059 [2016]) is misplaced. The entirety of the decision reads: "Motion for an order precluding the City of New York et al. from submitting a brief as respondents on the appeal etc. denied." Accordingly, the one sentence decision has little precedential value. Further, as the City noted in its memorandum of law on that motion, the Court of Appeals is a court of discretionary jurisdiction and limited docket (*see generally* CPLR 5601, 5602; *see also* Rules of Ct of Appeals [22 NYCRR] §§ 500.11, 500.20, 500.22, 500.27), and as the State's highest court it may decide broad issues and in its discretion can decide to hear from parties such as the City. In any event, the practices and rules of the Court of Appeals do not pertain to and are not binding on this Court which has its own rules and jurisdictional limitations, which we are bound to follow.

Moreover, the issue raised on this motion to reargue is whether this same panel of judges - which previously denied the State respondents motion to file a brief as an intervenor, or in the alternative for leave to appear as amici - overlooked or misapprehended any issues of fact or law regarding the request to

file an amicus brief when we unanimously denied the motion (see *People v D'Alessandro*, 13 NY3d 216, 219 [2009] ["a motion to reargue must 'be based upon matters of fact or law allegedly overlooked or misapprehended by the court in determining the prior motion'"], quoting CPLR 2221[d][2]). Thus, the majority's position regarding whether the State respondents should have been able to file a respondents' brief on this appeal is irrelevant to the issue raised on this motion. As to the actual issue before us, the majority can identify nothing we overlooked or misapprehended on the prior motion. There is no basis to grant such relief, and there are no points of law or fact overlooked by this Court on the prior motions. Therefore, respondent's motion to reargue should be denied.

As noted, in a prior motion, DOH moved for leave to intervene, or in the alternative for leave to appear as amici, and for leave to participate in oral argument. On April 19, 2016, this same panel unanimously denied the motions (2016 NY Slip Op 70773[u] [1st Dept 2016]). Contrary to the majority's suggestion, this motion for reargument is properly before the same panel that decided the prior motion as is our routine practice, and as is required by our internal Clerk's Manual which provides that a "motion addressing a prior order is determined by the bench that issued the prior order" (Clerk's Manual [C][1]). Further, it is noted that this motion was returnable prior to the date the appeal was orally argued and there is no basis to refer the motion to the appellate panel. Indeed, had the majority simply applied our long-standing rules, this motion would have been decided long ago, and certainly prior to the date of oral argument.

More significantly, "amicus curiae," that is, a "friend of the court," is "one who, as a stander by . . . may inform the court" (3B Carmody-Wait 2d § 26:4). In other words, the purpose of an amicus brief is to provide the court with the perspective of a nonparty whose interests could generally be affected by the court's ruling, but who has no direct stake in the litigation. "It denotes the situation in which a nonparty with an interest in the case wishes to argue and support a particular side" (Siegel, NY Prac § 525 at 923 n15 [5th ed 2011]). Indeed, it has been noted that the amicus curiae is "not a party, and cannot assume the functions of a party; he must accept the case before the court with issues made by the parties, and may not control the

litigation" (*Kruger v Bloomberg*, 1 Misc 3d 192, 196 [Sup Ct, New York County 2003], quoting *Kemp v Rubin*, 187 Misc 707, 709 (Sup Ct, Queens County 1946)). In fact, we have permitted such nonparties to file amicus briefs in this litigation (see 2016 NY Slip Op 70773[u] [1st Dept 2016] supra).

However, this Court has consistently declined to allow a party that neglected to take an appeal to file a brief for reversal nonetheless. Further, we have explicitly ruled it inappropriate to permit a partisan amicus curiae, noting that that is a "contradiction in terms" (*People v Reason*, 44 AD2d 533, 533 [1st Dept 1974], affd 37 NY2d 351 [1975] citing *Central Hanover Bank & Trust Co. v Saranac Riv. Power Corp.*, 243 App Div 843 [3rd Dept 1935][denying request of partisan party to intervene as amicus curiae]). It appears that the majority pretends not to know that the named respondents to this proceeding are inherently partisan and are not akin to nonparty institutions that seek to file amicus briefs. In this regard, the majority's attempt to distinguish relevant case law does not support its position in the least. Further, the majority fails to recognize that State institutions are bound by the same rules as other parties to a proceeding and do not get special preference because they represent "broader institutional and public interests."

Allowing the State respondents - who are parties to the proceedings and are aggrieved by the Supreme Court's determinations, but did not timely file a notice of appeal - to file an amicus brief would permit an end run around this jurisdictional omission, and would be unprecedented. Moreover, it would irreversibly open the door for any party - especially State agencies whose final determinations are often appealed to this Court - who has failed to appeal to merely seek to file an amicus brief to make up for its error. Despite their protestations, this is precisely what the majority's decision will do. The majority's failure to see the prospect that litigants will use their precedential decision to seek to file amicus briefs after failing to file a notice of appeal is ignoring how the bar can utilize the majority's decision to circumvent a jurisdictional omission under the applicable statutes and rules, an unprecedented and unenviable result.

The majority's decision is contrary to the procedures set forth in this Court's internal Clerk's Manual, which provides that "an amicus curiae is an organization or person, though not a party to an action, who has a broad political, economic, social,

intellectual or professional interest, or special expertise in a matter before the court" (Clerk's Manual [C][17][emphasis added]). Further, our sister Court, the Appellate Division, Second Department, has promulgated a rule which specifies that "[p]ermission to file an amicus curiae brief shall be obtained by persons who are *not parties* to the action or proceeding by motion on notice to each of the parties (Rules of App Div, 2nd Dept [22 NYCRR] § 670.11[a][emphasis added]). Similarly, the procedure for seeking amicus curiae relief in the Court of Appeals is available only to nonparties (see 22 NYCRR 500.23). There is no reason for this Court to depart from the long-standing and essential rule that to seek permission to file an amicus curiae brief one must be a nonparty. Nor is there any reason to overlook the State respondents' failure to appeal, and, contrary to the majority's characterization, a jurisdictional defect does not present a matter of discretion.

The majority's focus on the fact that the appeal is one of public interest and its belief that this Court should benefit from the outlook of the Attorney General is misplaced. Surely, it is not within this Court's discretion to overlook incurable jurisdictional defects or fundamental rules and practices of this Court regarding appeals and amicus briefs. Further, the Attorney General in this instance is the State attorney representing the State respondents and his "outlook" represents the outlook of the State respondents who as aggrieved parties failed to take an appeal.

Finally, it must be noted that the proposed amicus curiae brief of DOH and its Commissioner would serve to bolster the alleged validity of the State agency's SEQRA review, the very issue before this Court on appeal and also the arguments made by Jewish Home in its briefs to this Court. Accepting this brief would have been appropriate had the State respondents complied with the requirements of taking an appeal. However, the State respondents neglected to take an appeal, which is an incurable jurisdictional defect, and amicus status should not be available as a means to correct that defect.

Given the unprecedented outcome of the majority's decision, which can impact this appeal and this Court's procedural rules concerning appeals, it may be advisable for petitioners in this matter to seek an expedited appeal of this decision to the Court of Appeals pursuant to 22 NYCRR 500.11.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rosalyn H. Richter
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X

Eric Privette,
Plaintiff-Appellant,

-against-

Precision Elevator,
Defendant-Appellant,

M-3583
M-4537
Index Nos. 13587/07
86178/07
86144/08

Global Elevator, et al.,
Defendants,

260-261 Madison Avenue, LLC, et al.,
Defendants-Respondents.

- - - - -

[And Third-Party Actions]

-----X

Defendants-respondents having moved for reargument of the decision and order of this Court entered on June 23, 2016 (Appeal No. 1562) [M-3583],

And defendant-appellant having cross-moved for reargument of the aforesaid decision and order of this Court, and for other relief [M-4537],

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that defendants-respondents motion for reargument is granted and, upon reargument, the decision and order of this Court entered on June 23, 2016 (Appeal No. 1562) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1562, decided simultaneously herewith. [M-3583]) The cross-motion for reargument is denied [M-4537].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Richard T. Andrias
Troy K. Webber
Ellen Gesmer, Justices.

-----X
Ming Tung, Wai Chin Chen, and Shun
Yi Mon,
Petitioners-Respondents,

For a Judgment Pursuant to Article 78 M-4469
of the Civil Practice Law and Rules, Index No. 110149/11

-against-

China Buddhist Association,
et al.,
Respondents-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 9, 2015,

And respondents-appellants having moved for an enlargement of time to perfect the aforesaid appeal and to continue a stay granted by this Court on June 14, 2016 (M-1643/M-1962),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term and continuing the stay granted by the order of this Court on June 14, 2016 (M-1643/M-1962), on condition the appeal is perfected for said Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber, Justices.

-----X
Prime Plus Acquisition Corp. and
Oasis Oak Rock Investors, LLC,
Plaintiffs-Appellants,

-against-

M-4587
Index No. 651139/14

EisnerAmper LLP,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of
time in which to perfect the appeals taken from the orders of the
Supreme Court, New York County, entered on or about December 11,
2015,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

Sua sponte, the appeals are consolidated and appellant is
permitted to prosecute the appeals upon 10 copies of one record
and one set of appellant's points covering the appeals.

It is further ordered that the motion is granted to the
extent of enlarging the time to perfect the consolidated appeals
to the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 27, 2016.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
The People of the State of New York,
Respondent,

-against- M-4420
Ind. Nos. 3545/14
Luis Miranda, 4775/14
Defendant-Appellant. 946/15
-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 10, 2015, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT : Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
JPMC Specialty Mortgage LLC,
Plaintiff-Respondent,

-against-

M-4474
Index No. 380356/13

Gary Kahn,
Defendant-Appellant,

Howard Brandstein, et al.,
Defendants.

-----X

Defendant-appellant Gary Kahn having moved for consolidation of the appeals taken from the orders of the Supreme Court, Bronx County, entered on or about April 10, 2015, June 9, 2015 and December 29, 2015, respectively,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 27, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Karla Moskowitz
Ellen Gesmer, Justices.

-----X
Trevor Caraballo, et al.,
Plaintiffs-Respondents,

-against-

M-4482
Index No. 18414/07

Villa Maria Academy, Inc., Calgi
Construction, Inc.,
Defendants-Appellants,

The Geddis Partnership,
Defendant.

Calgi Construction Company, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 83791/08

W&M Sprinkler, Inc., Tri State
Dismantling Corp.,
Third-Party Defendants-Respondents.

-----X

Defendants-appellants and third-party plaintiff having
moved for an enlargement of time to perfect the appeal from the
order of the Supreme Court, Bronx County, entered on or about
November 24, 2015,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Ellen Gesmer, Justices.

-----x
Rasheed Al Rushaid, et al.,

Plaintiffs-Appellants,

-against-

M-4343
Index No. 652375/11

Pictet & Cie, et al.,

Defendants-Respondents.
-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about March 26, 2015,

And plaintiffs-appellants having moved for an enlargement of time to perfect the appeal until after disposition of a pending appeal in the Court of Appeals entitled *Al Rushaid v Pictet & Cie*, (APL-2015-00268), presently sub judice,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2017 Term, with leave to seek a further enlargement, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Richard T. Andrias
David B. Saxe, Justices.

-----X

In the Matter of
Joseph Motta,
Plaintiff-Respondent,

CONFIDENTIAL

M-4462

Index No. 3360/11

-against-

Jacquelin Motta,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about April 20, 2016,

And, defendant-appellant having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----x
Ananias Grajales,
Plaintiff-Appellant,

-against-

M-4792
Index No. 303120/14

Maria Julia Grajales,
Defendant-Respondent.
-----x

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about April 6, 2016,

And, plaintiff-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. Motion otherwise denied, without prejudice to proceedings in Supreme Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 27, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----X
David Berman,
Plaintiff-Appellant,

-against-

Craig A. Saunders,
Defendant-Respondent.

M-4637
Index No. 153931/13

-----X

Plaintiff-appellant having moved for an enlargement of time
to perfect the appeal from the order of the Supreme Court,
New York County, entered on or about June 16, 2015,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the March 2017 Term,
with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Richard T. Andrias
David B. Saxe
Paul G. Feinman
Marcy L. Kahn, Justices.

-----X
Natalie Krodel,
Petitioner,

-against-

M-4630
Index No. 152176/14

Amalgamated Dwellings, Inc.,
Respondent-Appellant,

Abraham Bragin, et al.,
Respondents.
-----X

Respondent-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 25, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2017 Term, with leave to seek further enlargements, if necessary.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present: Hon. David Friedman, Justice Presiding,
David B. Saxe
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4377

Ind. No. 925/12

Luigi Grasso,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 9, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, and to post bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rosalyn H. Richter
Paul G. Feinman
Barbara R. Kapnick
Marcy L. Kahn, Justices.

-----X
Country-Wide Insurance Company, etc.,
Plaintiff-Respondent,

-against-

M-4479
Index No. 109903/11

Gotham Medical, P.C.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 25, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Jean G. Pierre,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

M-4510
Index No. 101964/15

NYC Department of Homeless Services,
Defendant-Respondent.
-----X

Petitioner-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, entered on or about January 19, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
Elyass Eshaghian,
Plaintiff-Respondent,

-against-

Baruch LLC,
Plaintiff,

M-4459
Index No. 652577/12

-against-

Asher Roshanzamir,
Defendant-Appellant,

Michael Roshanzamir,
Intervenor-Defendant-Appellant.

-----X

Intervenor-defendant-appellant having moved for an enlargement of time to perfect his appeal from a judgment of the Supreme Court, New York County, entered on or about November 12, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT - Hon: Dianne T. Renwick, Justice Presiding,
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman
Barbara R. Kapnick, Justices.

-----X
The People of the State of New York,
Respondent,

-against- M-4591
Ind. No. 4649/11
Kahn Hightower,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2012,

And defendant-appellant, via retained counsel, having moved for an order continuing the poor person relief granted by the order of this Court entered on December 11, 2012 (M-4420), and for an enlargement of time to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the poor person relief previously granted by order of this Court is continued. The time to perfect the appeal is enlarged to the June 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

R.S.,

Plaintiff-Respondent,

CONFIDENTIAL

M-4206

M-4255

Index No. 350001/12

-against-

B.L.,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about April 15, 2015,

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal (M-4206),

And plaintiff-respondent having cross moved to dismiss the aforesaid appeal (M-4255),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2017 Term (M-4206). The cross motion is denied (M-4255).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present:	Hon. Peter Tom,	Justice Presiding,
	Angela M. Mazzarelli	
	David Friedman	
	John W. Sweeny, Jr.	
	Rolando T. Acosta,	Justices.

-----X

Seconda Washington,
Plaintiff-Respondent,

M-4606X

Index No. 304191/14

-against-

Aleksandr Fuzailou,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 22, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 13, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Peter Telesco and Leza Telesco,
Plaintiffs-Respondents,

-against-

M-4842X

Index No. 304043/13

St. Nich 655 Realty LLC, et al.,
Defendants,

City Limits Group Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 20, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4703
Ind. No. 3643/15

Jose Rodriguez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 17, 2015,

Now, upon reading and filing the stipulation of the parties hereto, dated September 14, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4623
Ind. No. 2873/15

Pedro Acosta,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4624
Ind. Nos. 3162/15
3528/14

Islam Ataroua,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4625
Ind. No. 1107N/15

John Atterberry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 2, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4626
Ind. No. 338N/16

Ramiro Ayala,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4628
Ind. No. 4803/15

Michael Bailey,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 3, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Elijah Barksdale,
Defendant-Appellant.

M-4629
Ind. Nos. 595/14
5380/14
3180/15

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgments of the Supreme Court, New York County, rendered on or about January 7, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4631
Ind. No. 643/15

David Barnes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4632
Ind. No. 3949/15

Mario Barrera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 16, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4634
Ind. No. 2795/15

Roberto Beltran,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4635
Ind. No. 3439/15

Roman Blaea,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 28, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4636
Ind. No. 669/15

Kevin Blake,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 5, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4644
Ind. No. 4840/13

Winnis Brito,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 4, 2014, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4646
Ind. No. 4554/15

Gilberto Britton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 13, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4649
Ind. No. 257N/16

Benjamin Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 9, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4650
Ind. No. 1787/14

Paris Brown, also known as Steve Diop,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 22, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4651
Ind. No. 4528/15

Romain Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4652
Ind. No. 536/16

Shamel Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 23, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4653
Ind. No. 5219/15

James Burnett,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 14, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4655
Ind. No. 2345/15

Emanuel Burrowes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 6, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4657
Ind. No. 325N/16

Evelyn Caleb,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4662
Ind. No. 5516/15

Chris Castro,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 6, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4755
Ind. No. 1807/14

Maria Chmielewski,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 10, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4759
Ind. No. 1751/15

Terry Cicio,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 4, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4760
Ind. No. 1135/13
Case No. 12347C/13

Jose Collazo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, Bronx County, rendered on or about September 18, 2014 and January 8, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

CONFIDENTIAL

M-4761

-against-

Ind. No. 5166N/14

Brian D.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4762
Ind. No. 2107/13

Jules Desselle,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 15, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4763
Ind. Nos. 5828/12
3552/15

Vincent Dominguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about November 18, 2015, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4764
Ind. No. 1241/14

Michael Dunner,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4765
Ind. No. 3480/15

Nicholas Durant,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 15, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Barry Edwards,
Defendant-Appellant.

M-4768
Ind. Nos. 5400/14
22/15
5456/14
5047/14

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from judgments of the Supreme Court, New York County, rendered on or about February 18, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 27, 2016.

Present:	Hon. Peter Tom,	Justice Presiding,
	Angela M. Mazzarelli	
	David Friedman	
	John W. Sweeny, Jr.	
	Rolando T. Acosta,	Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4375
Ind. No. 1951/14

Damon Hayes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 16, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 8 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007, Telephone No. (212) 402-4142, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present - Hon. Peter Tom,	Justice Presiding,
Angela M. Mazzarelli	
David Friedman	
John W. Sweeny, Jr.	
Rolando T. Acosta,	Justices.

-----X
In the Matter of the Guardianship and
Commitment of

Raymond C.,

A Child Under 18 Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

- - - - -
Catholic Guardian Services, et al.,
Petitioners-Respondents,

M-4226
Docket No. B-44407/14

Maria V.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 11, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8th Fl., New York, NY 10016, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

Kyel G., and
Cristalyn G.,

Children Under 18 Year of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

- - - - -

Administration for Children's Services,
Petitioners-Respondents,

M-4250
Docket No. NA-41840/14
NA-41841/14

Elvis S.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq., The Legal
Aid Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 6, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present - Hon. Peter Tom,	Justice Presiding,
Angela M. Mazzarelli	
David Friedman	
John W. Sweeny, Jr.	
Rolando T. Acosta,	Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

- - - - -
Militza L.,
Petitioner-Respondent,

M-4362
Docket No. O-10176/16

-against-

Ramon Luis C.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 5, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 27, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of a Proceeding for
Custody Under Article 6 of the
Family Court Act.

- - - - -
Elisha W-B., **M-4388**
Petitioner-Respondent, Docket No. V-34777/15

-against-

Maeru W.,
Respondent,

Aiden W.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 28, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.