

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 August 29, 2017.

Present:	Hon. Barbara R. Kapnick,	Justice Presiding,
	Marcy L. Kahn	
	Ellen Gesmer	
	Cynthia S. Kern	
	Peter H. Moulton,	Justices

-----X

Ana S. Reyes,
Plaintiff-Appellant,

-against-

M-3659
Index No. 300211/14

Roman Catholic Church of the
Immaculate Conception, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 31, 2017,

And plaintiff-appellant having moved for an expedited perfection schedule and special preference in the hearing of 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 denied.

ENTERED:



DEPUTY 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 August 29, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Elliot M. Newhouse, M.D.,
Plaintiff-Respondent,

-against-

M-3827
Index No. 100123/14

Lowell B. Davis,
Defendant-Appellant.

-----X

Appeals having been taken from two orders of the Supreme Court, New York County, entered on or about June 2, 2015 and July 7, 2017,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the appeals,

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X
In the Matter of a Support Proceeding
Under Article 4 of the Family Court
Act.

- - - - -

Harry T.,
Petitioner-Respondent,

-against-

Lana K.,
Respondent-Appellant.

-----X

CONFIDENTIAL

M-3517

Docket Nos. F-40111/15-15a
F-40113/15

An appeal having been taken from an order of the Family Court, New York County, entered on or about April 21, 2017, and said appeal having been perfected,

And respondent-appellant having moved for a stay of a permanent child support hearing pending determination of this 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 for a stay is granted, and the appeal is adjourned to the November 2017 Term.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X
Margaret Lesley Marshall, et al.,
Plaintiffs-Respondents,

-against-

M-3950
Index No. 651067/13

Francis G. Fleming, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about May 8, 2014, and from the judgment, same Court, entered on or about September 14, 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 appeals to the February 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick
 Marcy L. Kahn
 Ellen Gesmer
 Cynthia S. Kern
 Peter H. Moulton

Justice Presiding,

Justices,

-----X
Alan S. Ripka,
Plaintiff-Appellant,

-against-

M-3552
Index No. 157823/14

Seth R. Rotter,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect an appeal from the order of the Supreme Court, New York County, entered on or about March 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 January 2018 Term, with no further enlargement to be granted.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

Yousaf Bokhari,

Plaintiff-Respondent,

-against-

M-3572

Index No. 304168/15

Aidan Morton and Erne Tech, Inc.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 19, 2016,

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 January 2018 Term.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X
The Board of Managers of Ruppert
Yorkville Towers Condominium,

Plaintiff-Respondent,

-against-

M-3631
Index No. 153652/15

Carol Hayden,

Defendant-Appellant.

-----X

Defendant-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 March 16, 2016,

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 January 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices,

-----X

Yvette Mahon,
Plaintiff,

-against-

M-3883
Index No. 150366/11

David Ellis Real Estate, L.P., Blue
Watergrill, B R Guest, Inc. doing
business as Blue Water Grill, SPH
Restaurant Enterprises, Inc., doing
business as Blue Water Grill and
Heartland Brewery, Inc.,
Defendants.

- - - - -

David Ellis Real Estate, L.P.,
Third-Party Plaintiff-Respondent,

-against-

B.R. Guest, LLC, et al.,
Third-Party Defendants,

-and-

USC Operating Company, LLC, doing
business as Union Square Café,
Third-Party Defendant-Appellant.

- - - - -

[And a second third-party action]

-----X

Third-party defendant-appellant Union Square Café having moved for an enlargement of time to perfect an appeal from the order of the Supreme Court, New York County, entered on or about September 21, 2016,

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 January 2018 Term.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

James River Multi-Strategy Fund, L.P.,
et al.,
Plaintiffs-Appellants,

-against-

M-3636
Index No. 601987/09

Motherrock, L.P., et al.,
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiffs-appellants from an order of the Supreme Court, New York County, entered on or about July 10, 2014, from a judgment, same Court, entered on or about June 19, 2017, and from the Findings of Fact and Conclusions of Law, same Court, entered on or about April 27, 2017,

And plaintiffs-appellants having moved to consolidate the aforesaid appeals,

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 plaintiffs-appellants to prosecute the consolidated appeals upon 9 copies of one record and one set of plaintiffs-appellants points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the January 2018 Term.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

Shelly Cao, et al.,

Plaintiffs-Appellants,

-against-

M-3644

Index No. 304911/14

Nasser Zar, Inc., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 1, 2016,

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 January 2018 Term, with no further enlargements to be granted.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

El Hadji Sarr,

Plaintiff-Appellant,

-against-

M-3701

Index No. 151303/14

Saks Fifth Avenue LLC, et al.,

Defendants-Respondents.

-----X

Plaintiff-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 21, 2016,

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 January 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton	Justices,

-----X
Michael A. Brion, individually and
as assignee of the Estate of Miguel
Brion and Basonas Construction Corp.,
Plaintiffs,

-against-

M-3780
Index No. 155815/14

Jorge W. Moreira and Moreira and
Associates, PLLC,
Defendants.

- - - - -

Jorge W. Moreira and Moreira and
Associates, PLLC,
Third Party Plaintiffs-
Respondents,

-against-

Brian M. DeLaurentis PC, and Brian
M. DeLaurentis,
Third Party Defendants-
Appellants.

-----X

Third-party defendants-appellants having moved for an enlargement of time to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about October 3, 2016 and March 2, 2017,

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 January 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

Ted A. Kirchner, etc., et al.,

Plaintiffs-Respondents,

-against-

M-3930

Index No. 107111/05

Michael Schneider, et al.,

Defendants-Appellants,

L. Raul Bernard, etc., et al.,

Defendants.

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from an amended order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 14, 2014, and from an order of the same court, entered February 1, 2016,

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 appeals to the January 2018 Term.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

Youlu Zheng, et al.,
Plaintiffs-Appellants,

-against-

M-4026
Index No. 650499/10

Carl C. Icahn, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 October 31, 2016,

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 January 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X
Margaret Lesley Marshall, et al.,
Plaintiffs-Respondents,

-against-

M-3950
Index No. 651067/13

Francis G. Fleming, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeals from an order of the Supreme Court, New York County, entered on or about May 8, 2014, and from the judgment, same Court, entered on or about September 14, 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 appeals to the February 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

Gramercy Park Residence Corp.,

Plaintiff-Respondent,

-against-

M-3648

Index No. 603071/02

Elaine Ellman,

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 July 14, 2014,

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 2018 Term, with no further enlargements to be granted.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Sciame Construction LLC,
Petitioner-Appellant,

-against-

M-3840
Index No. 651491/17

Re:Source New Jersey, Inc.,
Respondent-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 16, 2017,

And petitioner-appellant having moved for an order temporarily staying arbitration, pending hearing and determination of the aforesaid 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 on condition the appeal is perfected on or before October 2, 2017 for the December 2017 Term. Upon failure to so perfect, respondent may move on notice to vacate the stay.

ENTERED:


DEPUTY 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 August 29, 2017.

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

-----x

The People of the State of New York,

Respondent,

-against-

M-3454

Ind. No. 3616/15

Alejandro Aguilar,

Defendant-Appellant.

-----x

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 4, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated June 23, 2017, and due deliberation having been had thereon,

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

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

Lacole Gonzalez,
Plaintiff-Respondent,

-against-

M-3669X
Index No. 20630/14E

Andres Pulinero,
Defendant-Appellant,

Vernessa Bishop, et al.,
Defendants-Respondents.

- - - - -

[And Another Action]

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about February 3, 2017,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 2017, and due deliberation having been had thereon,

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

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
David Friedman	
John W. Sweeny, Jr.	
Dianne T. Renwick,	Justices.

-----X

Barry Neil Straus, et al.,

Petitioners-Appellants,

-against-

M-3693X

Index No. 157638/16

Renasant Bank, Successor In Interest
to Crescent Bank & Trust Company,

Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 27, 2016,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 2017, and due deliberation having been had thereon,

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

ENTERED:



DEPUTY 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 August 29, 2017.

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

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

Respondent,

-against-

Demetrious Pickering,

Defendant-Appellant.

M-3955

Ind. Nos. 767/15
2892/14
1366/15

-----X

An appeal having been taken from judgments of the Supreme Court, Bronx County, rendered on or about February 17, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated July 19, 2017, and due deliberation having been had thereon,

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

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
David Friedman	
John W. Sweeny, Jr.	
Dianne T. Renwick,	Justices.

-----X

Jorge Amaya,
Plaintiff-Respondent,

M-4164

-against-

Index No. 112140/10

Neighborhood Partnership Housing
Development Fund Company, Inc.,
et al.,
Defendants-Appellants.

Mecca Contracting, Inc.,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

Index No. 590192/11

Salcora Construction Corp.,
Third-Party Defendant-Respondent-
Appellant.

Salcora Construction Corp.,
Second Third-Party Plaintiff-
Appellant,

-against-

Index No. 590554/12

Odys General Construction,
Second Third-Party Defendant-
Respondent.

-----X

Appeals and a cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 15, 2014,

Now, upon reading and filing the stipulation of the parties hereto, dated July 21, 2017, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,
-against- M-3000
 Ind. No. 2229/16

Aldrick Neysmith,

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 30, 2017, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3033
Ind. No. 3235/16

Derrick Lynn,

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 30, 2017, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3060
Ind. No. 1312/16

Mario Laber,

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 1, 2017, 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.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
David Friedman	
John W. Sweeny, Jr.	
Dianne T. Renwick,	Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3130

Ind. No. 4776N/16

Dembo Sonyang,

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 June 8, 2017, 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.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3131
Ind. No. 3239/16

Bienvenido Ruiz,

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 16, 2017, 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.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
David Friedman	
John W. Sweeny, Jr.	
Dianne T. Renwick,	Justices

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

Respondent,

-against-

M-3307
Ind. No. 3768/16

David Trottmann,

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 June 1, 2017, 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) two transcripts 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, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3319
Ind. Nos. 2445/16
3527/15

Jose Rivera,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, New York County, rendered on or about September 13, 2016, and from the judgments of **resentence** rendered on or about September 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 **resentence**. 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3337
Ind. No. 1085N/17

Jerill Felton,

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 June 13, 2017, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3338
Ind. No. 1006/17

Christodou Papavarnava,

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 June 8, 2017, 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.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4112, 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:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against- M-3408
 Ind. No. 2529/16

Terrell Anthony,

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, 2017, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-3410

Ind. No. 3026/16

Ricardo Lewis,

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 16, 2017, 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) two transcripts 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, 74 Trinity Place, 11th Floor, New York, New York 10006, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

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

-----X

The People of the State of New York,
Respondent,

CONFIDENTIAL

M-3426

-against-

Ind. No. 7959/98

Cosme Soroa,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about May 30, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


DEPUTY 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 August 29, 2017.

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

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

-against-

M-3228
SCI No. 99006/17

Aquiles Guzman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Bruce, J.), entered on or about March 10, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bruce as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Rosemary Herbert, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
David Friedman	
John W. Sweeny, Jr.	
Dianne T. Renwick,	Justices.

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

Respondent,

CONFIDENTIAL

M-3532

-against-

Ind. No. 3454/12

Taurean Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County (Jill Konviser, J.), entered on or about June 14, 2017, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Konviser as yet not transcribed.

The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

In the Matter of the Guardianship
and Custody of

Khiry Amir Nigel B., Jr.,

CONFIDENTIAL
M-3873

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

Docket No. B-389/15

Cardinal McCloskey Community Services,
and Commissioner for the Administration
for Children's Services of the City of
New York,
Petitioners-Respondents,

Khiry Amir Nigel B., Sr.,
Respondent-Appellant.

Ava Gutfriend, Esq.,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about May 4, 2017, for the 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 Floor, 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.**

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

CONFIDENTIAL

M-3935

- - - - -
Jose C., and Rosa C.,
Petitioners-Appellants,

Docket No. V-47323/15

-against-

Johnny C. and Beatriz A. H.,
Respondent-Respondent.

- - - - -
Andrew J. Baer, Esq.,
Attorney for the Child.

-----X

Barbara Milbauer, Esq., court attorney for the subject child, having moved on said child's behalf for leave to respond, as a poor person, to the appeal taken from orders of the Family Court, New York County, both entered on or about November 17, 2016, and for the 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 §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of

responding to the appeal on the child's behalf; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioners-appellants and 8 copies thereof are filed with this Court.

ENTERED:



DEPUTY 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 August 29, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

- - - - -
Daniel B.,
Petitioner-Respondent,

CONFIDENTIAL
M-3933

Docket No. V-34115-15/16C

-against-

Oksana B.,
Respondent-Appellant.

- - - - -
Andrew J. Baer, Esq.,
Attorney for the Child.

-----X

Elliot Podhorzer, Esq., court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about April 21, 2017, for the 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 §1120 of the Family Court Act, Andrew J. Baer, Esq., 299 Broadway, Suite #1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of responding to the appeal; (2) permitting movant to respond

to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3932, decided simultaneously herewith.)

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

- - - - -
Daniel B.,
Petitioner-Respondent,

CONFIDENTIAL
M-3932

Docket No. V-34115-15/16C

-against-

Oksana B.,
Respondent-Appellant.

- - - - -
Andrew J. Baer, Esq.,
Attorney for the Child.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about April 21, 2017, 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 §1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, NY 10003, Telephone No. (212) 673-2895, as counsel for purposes of responding to the

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-3933, decided simultaneously herewith.)

ENTERED:


DEPUTY 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 August 29, 2017.

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

-----X

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

- - - - -

Annette M. L.,
Petitioner-Appellant,

-against-

CONFIDENTIAL

M-3939

Docket No. V-21326/16

William L., Jr.,
Respondent-Respondent.

-----X

Petitioner-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 May 11, 2017, 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, Karen D. Steinberg, Esq., 31 East 32nd Street, Suite 300, New York, NY 10016, Telephone No. 347-346-4847, 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.**

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta, Presiding Justice,
Peter Tom
Rosalyn H. Richter
Marcy L. Kahn, Justices.

-----X

FIA Leveraged Fund Ltd., et al.,
Plaintiffs-Appellants,

-against-

M-3206

Index No. 651217/15

Grant Thornton, LLP,
Defendant-Respondent,

EisnerAmper LLP, et al.,
Defendants.

- - - - -
Massachusetts Bay Transportation
Authority Retirement Fund, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Citco Fund Services (Cayman Islands)
Ltd.,
Defendant-Respondent,

Index No. 651446/15

Citco Fund Services (Suisse) SA,
Defendant,

Citco Group Ltd., et al.,
Defendants-Respondents-Appellants.

-----X

Defendant-respondent Citco Fund Services (Cayman Islands) Ltd., having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 16, 2017 (Appeal Nos 3278-83),

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Judith J. Gische	
Marcy L. Kahn,	Justices.

-----X
Capital One Bank, N.A.,
Plaintiff-Respondent,

-against-

John Faracco,
Defendant-Appellant,

M-2743
Index No. 110188/09

Thomas Marron, et al.,
Defendants.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on April 20, 2017 (Appeal No. 3779),

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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,	Presiding Justice,
Peter Tom	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Marcy L. Kahn,	Justices.

-----X
Janelle M., an Infant by Her Mother
and Natural Guardian, Brenda M.,
Plaintiff-Appellant,

-against-

M-3094
Index No. 350373/10

New York City Health and Hospitals
Corporation (Lincoln Hospital),
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of, or in
the alternative, for leave to appeal to the Court of Appeals,
from the decision and order of this Court, entered on March 16,
2017 (Appeal Nos. 3289-3290),

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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Rolando T. Acosta,
Angela M. Mazzairelli
Richard T. Andrias
Troy K. Webber,

Presiding Justice,

Justices.

-----X

Wayne Schnapp,
Plaintiff-Appellant,

-against-

M-2741

Index No. 115059/08

Miller's Launch, Inc.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 23, 2017 (Appeal No. 2656),

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, to the extent it seeks reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as reversed by the this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:


DEPUTY 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 August 29, 2017.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,
Rosalyn H. Richter
Richard T. Andrias
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

SEALED

M-1220A

Ind. No. 726/13

Emmanuel B.,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 1, 2016, for leave to prosecute the appeal as a poor person 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 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 **resentence**. 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.

Rosemary Herbert, 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. (The order of this Court, entered on April 13, 2017, is hereby recalled and vacated.)

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Peter Tom,	Justice Presiding,
John W. Sweeny, Jr.	
Rosalyn H. Richter	
Barbara R. Kapnick	
Troy K. Webber,	Justices.

-----X

Atlas New York Limited Liability
Company, doing business as Atlas
Real Estate New York,
Plaintiff-Respondent,

M-3099
Index No. 650553/16

-against-

Michael Eisenberg, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on May 25, 2017 (Appeal No. 4109),

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. David Friedman, Justice Presiding,
Dianne T. Renwick
Sallie Manzanet-Daniels
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----x
In the Matter of the Application of
160 East 84th Street Associates LLC,
Petitioner-Appellant-Respondent,

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

-against-

M-2547
Index No. 100643/16

New York State Division of Housing
and Community Renewal,
Respondent-Respondent-Appellant.

- - - - -
Sherry Sado,
Intervenor-Respondent.

-----x
Appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 1, 2017,

And intervenor-respondent having moved for dismissal of the aforesaid appeals,

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 to dismiss the appeals is granted unless said appeals are perfected for the January 2018 Term.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. David Friedman,	Justice Presiding,
Dianne T. Renwick	
Rosalyn H. Richter	
Karla Moskowitz	
Barbara R. Kapnick,	Justices.

-----X

In re New York Civil Liberties Union,
Petitioner-Respondent,

-against-

M-3550

Index No. 102436/12

New York City Police Department,
et al.,
Respondents-Appellants.

- - - - -
The New York Times Company, Advance
Publications, Inc., The Associated
Press, Inc., Daily News L.P.,
Dow Jones & Company, Inc., Gannett Co.,
Inc., Hearst Corporation, Newsday LLC,
News 12 Networks LLC and NYP Holdings,
Inc.,
Amici Curiae.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on March 30, 2017 (Appeal No. 2831),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen which, in its opinion, ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rosalyn H. Richter
Karla Moskowitz
Judith J. Gische, Justices.

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

-against-

M-3472
Ind. No. 1224/12

Tulsie Singh,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2015, and said appeal having been perfected and submitted (Appeal No. 3501 [March 2, 2017],

And an order of this Court having been entered on March 28, 2017 (M-1193A), inter alia, substituting the Center for Appellate Litigation (CAL) for Adam Bevelacqua, Esq., as appellate counsel to prosecute defendant's appeal, and holding the final determination of the appeal in abeyance, pending further motion practice by newly assigned counsel, if so advised,

And newly assigned counsel for defendant having moved for leave to file a new reply brief and to schedule oral argument on defendant's 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 to the extent of permitting counsel for defendant to file a reply brief on or before October 13, 2017, granting assigned counsel

oral argument on the appeal, and directing the Clerk not to re-calendar the appeal until this Court is provided with proof that a special prosecutor has been appointed.

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Anil C. Singh, Justices.

-----X

The People of the State of New York,
Respondent,

M-3488

-against-

Ind. No. 12241/92

Diane Word,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 27, 2007 (Appeal No. 8908), unanimously affirming the judgment of the Supreme Court, New York County, rendered on or about November 5, 1999, and the accompanying motion to said appeal, having also been entered on September 27, 2007 [M-3208], denying defendant leave to have the within action remanded to Supreme Court for a suppression hearing,

And defendant having renewed her motion for leave to have the aforesaid action remanded for a suppression hearing,

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Angela M. Mazzarelli
Troy K. Webber
Marcy L. Kahn
Cynthia S. Kern, Justices.

-----X
25 West 24th Street Realty Corp.,
Petitioner-Appellant,

-against-

Peter Gianquinto,
Respondent-Respondent.

- - - - -
25 West 24th Street Realty Corp.,
Petitioner-Appellant,

-against-

M-2733
Index No. 570444/16

Anthony Stanhope,
Respondent-Respondent.

- - - - -
25 West 24th Street Realty Corp.,
Petitioner-Appellant,

-against-

Anthony Zayas,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 6, 2017,

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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present: Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Angela M. Mazzarelli
Karla Moskowitz
Troy K. Webber, Justices.

-----X

Floyd Wigfall,
Plaintiff-Appellant,

-against-

M-3161

Index No. 300609/13

Nicauri Limo, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 25, 2016,

And defendants-respondents having moved for dismissal of the aforesaid 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 appeal is dismissed.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Rosalyn H. Richter,	Justice Presiding,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Karla Moskowitz	
Troy K. Webber,	Justices.

-----x
William C. Reddy and David A. Curran,
Individually and Derivatively on behalf
of 400 West 14th, Inc., doing business
as The Gaslight,
Petitioners-Respondents,

-against-

M-3205
Index No. 651553/15

Peter S. Collins,
Respondent-Appellant,

-and-

Matthew H. Reines,
Respondent.

-----x
Petitioners-respondents having moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about April 20, 2016, and from the judgment, same court and justice, entered on or about August 10, 2016, for failure to timely perfect,

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 appeals are dismissed.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Rosalyn H. Richter,	Justice Presiding,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Karla Moskowitz	
Troy K. Webber,	Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3702
Ind. No. 682/16

Roberto Aquero,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 26, 2017, for leave to prosecute the appeal as a poor person 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 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 10006, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rosalyn H. Richter,	Justice Presiding,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Karla Moskowitz	
Troy K. Webber,	Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3138
Ind. No. 75/13

Vincent Coleman,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2016, for leave to prosecute the appeal as a poor person 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 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 10006, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rosalyn H. Richter,	Justice Presiding,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Karla Moskowitz	
Troy K. Webber,	Justices.

-----X
130 St. Marks Place LLC,
A Limited Liability Company,
Petitioner-Appellant,

-against-

M-2730
Index No. 570740/16

Rafael Hines,
Respondent-Respondent,

"John Doe",
Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about February 17, 2017, and to stay enforcement of said order,

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 in its entirety.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Rosalyn H. Richter,	Justice Presiding,
Sallie Manzanet-Daniels	
Angela M. Mazzarelli	
Karla Moskowitz	
Troy K. Webber,	Justices.

-----X
1234 Broadway LLC,
Petitioner-Landlord-Appellant,

-against-

Sui Ping Wong and Yong You,
Respondents-Tenants,

Chungeng Lin,
Respondent-Occupant-Respondent,

M-3404
Index No. 570297/16

-and-

Jinlan Zheng and "John and/or Jane Doe",
Respondents-Occupants.

-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about February 17, 2017,

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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----x

The People of the State of New York,
Respondent,

-against-

CONFIDENTIAL

M-3960

Ind. No. 3453/12

Anonymous,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about July 22, 2016, and said appeal having been perfected,

And defendant-appellant having moved for an order sealing the motion, and all other filings submitted in this case,

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 directing the appeal be captioned "Anonymous" and that all briefs and other documents already filed with this Court be designated Confidential. The Clerk is directed to calendar the appeal under *People v Anonymous*.

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X

The State of New York ex rel. Jenna Rae
Minor, Esq., on behalf of Giovanni
Vargas,

CONFIDENTIAL

M-3966

Petitioner-Appellant,

Index No. 451902/17

-against-

Cynthia Brann, Acting Commissioner,
New York City Department of Correction,
Respondent-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 14, 2017,

And an order of a Justice of this Court, entered July 21, 2017, granting petitioner bail on condition he posts \$50,000 on a 2% partially secured surety bond or \$15,000 cash,

And petitioner-appellant having moved for his release or, alternatively, fixing the security amount required for a partially secured surety bond at 2%, pending determination of the appeal; for an expedited appeal; and for poor person relief and the 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 maintaining the same terms and conditions set forth in the order of a Justice of this Court, entered July 21, 2017, and on condition that petitioner-appellant perfects the appeal for the

January 2018 Term. So much of the motion which seeks poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief and assigning Seymour W. James, Jr., Esq., The Legal Aid Society, 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as counsel for purposes of prosecuting the appeal.

ENTERED:


DEPUTY 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 August 29, 2017.

Present: Hon. Richard T. Andrias, Justice Presiding,
Judith J. Gische
Cynthia S. Kern
Jeffrey K. Oing
Anil C. Singh, Justices.

-----X
Lucila Savinon,

Plaintiff-Respondent,

M-3688

Index No. 114141/08

-against-

New York City Transit Authority,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 22, 2016, and said appeal having been perfected,

And defendant-appellant having moved to stay trial pending determination of said appeal,

And an interim order by a Justice of this Court having been entered on July 11, 2017, staying the trial pending hearing and determination of the within motion,

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 for a stay is granted.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Richard T. Andrias,	Justice Presiding,
Judith J. Gische	
Cynthia S. Kern	
Jeffrey K. Oing	
Anil C. Singh,	Justices.

-----x

Edward L. Shugrue III, et al.,

Plaintiffs-Appellants,

-against-

M-4085

Index No. 650912/13

Lee Stahl, et al.,

Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 12, 2017, and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of trial, and related proceedings, pending hearing and determination of the aforesaid 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Richard T. Andrias,	Justice Presiding,
Judith J. Gische	
Cynthia S. Kern	
Jeffrey K. Oing	
Anil C. Singh,	Justices.

-----X
Regina Alston, et al.,

Plaintiffs-Respondents,

-against-

M-4172
Index No. 452674/15

Starrett City, Inc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken to this Court by the above-named defendants from the order of the Supreme Court, New York County, entered on or about July 7, 2016,

And The City of New York having moved for leave to appear amicus curiae in connection with the aforesaid 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 movant is directed to file nine copies of the proposed amicus curiae brief within seven days from the date of entry of this order.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----x

Ann Shoemaker Ross and John
Munder Ross,

Plaintiffs-Appellants,

-against-

M-2917
Index No. 160887/15

Luxury Mortgage Corp., Cenlar FSB,
and RBS Financial Products,

Defendants-Respondents.

-----x

Defendant-respondent RBS Financial Products having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about January 23, 2017,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties hereto, dated July 25, 2017, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn and the motion is denied as moot.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
 Marcy L. Kahn
 Ellen Gesmer
 Cynthia S. Kern
 Peter H. Moulton, Justices.

-----x
The People of the State of New York,

Respondent,

-against-

M-3505
Ind. No. 1762/12

Kierra Hanley,

Defendant-Appellant.
-----x

Assigned counsel for defendant-appellant having moved to be
relieved as counsel for defendant or, in the alternative, for
dismissal of the appeal taken from a judgment of the Supreme
Court, New York County, rendered on or about June 7, 2013,
without prejudice to reinstatement,

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 appeal withdrawn.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
The People of the State of New York,

Respondent,

-against-

M-3574
Ind. No. 3760/15

Roosevelt Goodwin,

Defendant-Appellant.
-----x

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 17, 2016,

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 appeal is dismissed.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
Levitt & Kaizer,
Plaintiff-Respondent,

-against-

M-3473
Index No. 104127/09

Wayne Ivory Charles,
Defendant.

- - - - -
Wayne Ivory Charles, II,
Non-Party Appellant.
-----x

Plaintiff-respondent having moved, pursuant to CPLR 5511, for an order dismissing the appeal taken from the order of the Supreme Court, New York County, entered on or about October 2, 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 and the appeal is dismissed.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x
The People of the State of New York,

Respondent,

-against-

M-2736
Ind. No. 3184/00

Marcos Rodriguez,

Defendant-Appellant.

-----x

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 10, 2002, for lack of prosecution,

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3411

Ind. No. 5193/16

Terry Smith,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which
to file a notice of appeal from a judgment of the Supreme Court,
New York County, rendered on or about May 10, 2017,

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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-3533
Ind. No. 2271/15

Omar Reyes,

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 October 16, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for an enlargement of time to perfect the appeal until the transcription of certain minutes, 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.

ENTERED:



DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

Felix Rodriguez, also known as Jose
Brio, also known as Jose Brito, also
known as Briu Jiminez,
Defendant-Appellant.

M-3327
Ind. Nos. 8592/89
5678N/04
SCI No. 45N/02

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 22, 2017, for leave to prosecute the appeal as a poor person, 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew, upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

M-3108
Ind. No. 3423/15

Damon Geer,
 Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about December 19, 2016, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed 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 10006, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

M-3136
Ind. No. 3013/15

Dramanne Doumbia,
 Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 13, 2016, for leave to prosecute the appeal as a poor person 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 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.

Rosemary Herbert, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in cursive script, reading "Mayra Saval".

DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

David Walker,
 Defendant-Appellant.

M-3284
Ind. Nos. 4442/15
 4612/15
 1051/16

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from three judgments of the Supreme Court, New York County, rendered on or about August 15, 2016, for leave to prosecute the appeal as a poor person 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 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.

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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

M-3360
Ind. No. 3337/14

Francis Benjamin,
 Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 8, 2016, for leave to prosecute the appeal as a poor person 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 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 10006, 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.

ENTERED:

A handwritten signature in cursive script, reading "Margaret Saval". The signature is written in dark ink and is positioned above a horizontal line.

DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

M-3416
Ind. No. 5606N/13

Taquan Anderson,
 Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 16, 2017, for leave to prosecute the appeal as a poor person 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 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 10006, 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.

ENTERED:

A handwritten signature in cursive script, reading "Margaret Saval". The signature is written in black ink and is positioned above a horizontal line.

DEPUTY CLERK

CORRECTED ORDER - November 1, 2017

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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

-against-

M-3448
Ind. No. 3299/15

Tyrone Adams,
Defendant-Appellant.

----- X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about **January 11, 2017**, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed 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.

CORRECTED ORDER — November 1, 2017

(M-3448)

-2-

August 29, 2017

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in cursive script, reading "Margaret Saval", is written over a horizontal line.

DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

-----X

The People of the State of New York,
 Respondent,

-against-

M-3663
Ind. No. 1610/15

Carl Smalls,
 Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2017, for leave to prosecute the appeal as a poor person 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 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.

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.

ENTERED:

A handwritten signature in black ink, reading "Margaret Saval". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

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

Respondent,

-against-

M-3316
Ind. No. 1464/16

Sarah Napier,

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 January 9, 2017, 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.

ENTERED:


DEPUTY 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 August 29, 2017.

Present - Hon. Barbara R. Kapnick, Justice Presiding,
Marcy L. Kahn
Ellen Gesmer
Cynthia S. Kern
Peter H. Moulton, Justices.

-----x

Robert G. A.,
Plaintiff-Appellant,

CONFIDENTIAL

M-3530

-against-

M-3808

Index No. 350035/12

Lisa Y. A.,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 1, 2017,

And plaintiff-appellant having moved for a stay of the order pending hearing and determination of the aforesaid appeal (M-3530),

And defendant-respondent having cross-moved for the assignment of appellate counsel, and for other relief (M-3808),

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, and the order is stayed pending hearing and determination of the appeal. The cross motion is denied.

ENTERED:


DEPUTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Barbara Kapnick,
Justice of the Appellate Division

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

M-3036
Ind. No. 3876/2007

-against-

CERTIFICATE
DENYING LEAVE

Thor Corbin,

Defendant.
-----X

I, Barbara R. Kapnick, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Michael A. Gross, J.), entered on or about May 8, 2017, is hereby denied.


Justice Barbara R. Kapnick

Dated: New York, New York
July 26, 2017

ENTERED

AUG 29 2017

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Marcy L. Kahn
Justice of the Appellate Division

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

M-3378
Ind. No. 1640/97

-against-

CERTIFICATE
GRANTING LEAVE

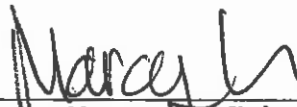
Juan Paulino Rosario,
Defendant-Appellant.
-----X

I, Marcy L. Kahn, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Robert M. Mandelbaum, J.), entered on or about May 26, 2016.¹

Dated: July 27, 2017
New York, New York

ENTERED

AUG 29 2017


Hon. Marcy L. Kahn
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 2057
Ind. No. 5736/93

-against-

CERTIFICATE
DENYING LEAVE

Patrick Snow,

Defendant.
-----X

I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Daniel P. FitzGerald, J.), entered on or about October 11, 2016, is hereby denied.

Dated: August 1, 2017
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: AUG 29 2017

✓

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 3492
Ind. No. 889/2015

-against-


CERTIFICATE
DENYING LEAVE

Ahmadou Sankara,

Defendant.

-----X
I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Anthony J. Ferrara, J.), entered on or about April 21, 2017, is hereby denied, and the application for poor person relief is therefore moot.

Dated: July 31, 2017
New York, New York



Hon. Cynthia S. Kern
Associate Justice

ENTERED: **AUG 29 2017**

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 3490
Ind. No. 3810/2006

-against-

CERTIFICATE
DENYING LEAVE

Hubert Cary a/k/a Cary Hubert,
Defendant.

-----X
I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County (Judith Lieb, J.), entered on or about June 2, 2017, is hereby denied.

Dated: August 1, 2017
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: **AUG 29 2017**

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Cynthia S. Kern
Associate Justice of the Appellate Division

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

M - 3317
Ind. No. 2696/14

-against-

CERTIFICATE
DENYING LEAVE

Andre Johnson,

Defendant.

-----X
I, Cynthia S. Kern, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15, 460.10 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Laura A. Ward, J.), dated May 31, 2017, is hereby denied, and the application for poor person relief is therefore denied as moot.

Dated: July 31, 2017
New York, New York

CSK
Hon. Cynthia S. Kern
Associate Justice

ENTERED: **AUG 29 2017**

✓

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Peter H. Moulton
Justice of the Appellate Division

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

M-2919
Ind. No. 1447/99


-against-

CERTIFICATE
DENYING LEAVE

Arvin Collins,
Defendant.

-----X
I, Peter H. Moulton, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon application
made by the above-named defendant for a certificate pursuant to
Criminal Procedure Law, sections 450.15 and 460.15, and upon the
record and proceedings herein, there is no question of law or fact
presented which ought to be reviewed by the Appellate Division,
First Judicial Department, and permission to appeal from the order
of the Supreme Court, Bronx County (Villegas, J.) dated September
12, 2016 is denied. Defendant's request for poor person relief and
assignment of counsel is denied as academic.

Dated: August 1, 2017
New York, New York


Hon. Peter H. Moulton
Associate Justice

ENTERED: AUG 29 2017

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-3336
Ind. No.6055/10

-against-

CERTIFICATE
GRANTING LEAVE TO
APPEAL TO THE COURT
OF APPEALS

Roque Silvagnoli,
Defendant-Appellant.
-----X

I, Angela M. Mazzarelli, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission is hereby granted to the above-named respondent to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: September 7, 2017
New York, New York

ENTERED:

*Description of Order: Judgment of conviction

Supreme Court, New York County, entered on November 20, 2012
App. Div., 1st Dept., Appeal No. 3345, Rev'd on June 6, 2017.

NOTICE: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

CORRECTED ORDER - November 1, 2017

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 August 29, 2017.

Present - Hon. Barbara R. Kapnick,	Justice Presiding,
Marcy L. Kahn	
Ellen Gesmer	
Cynthia S. Kern	
Peter H. Moulton,	Justices.

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

-against-

M-3448
Ind. No. 3299/15

Tyrone Adams,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about **January 11, 2017**, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed 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.

CORRECTED ORDER — November 1, 2017

(M-3448)

-2-

August 29, 2017

Christina Swarns, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4112, 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:

A handwritten signature in cursive script, appearing to read "Margaret Saval", is written above a horizontal line.

DEPUTY CLERK