

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-4032
Ind. No. 3811/95

Hector Martinez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 5, 1995, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion including the correspondence from appellant's counsel Gersten Savage LLP (Barry Zone of Counsel) dated August 28, 2008, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Alice Delacruz, et al.,
Plaintiffs-Appellants,

-against-

M-4230
Index No. 14302/01

The Port Authority of New York
and New Jersey, et al.,
Respondents-Respondents.

-----X

Respondents-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about March 24, 2008,

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 appeal is granted unless the appeal is perfected on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
The People of the State of New York
ex rel. Darren Bracey,
Petitioner-Appellant,

-against-

M-4273
Index No. 52322/04

New York State Division of Parole,
Respondent-Respondent.

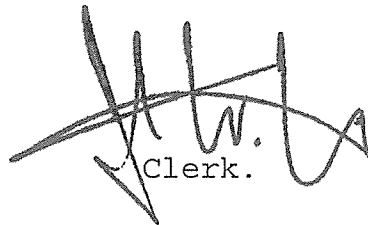
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, entered on or about June 2, 2008, which dismissed a habeas corpus proceeding, and for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

Ordered that the motion is denied, without prejudice to renewal upon petitioner's submission of a notarized affidavit in compliance with CPLR 1101(a), setting forth facts addressing (1) whether the appeal was timely taken; (2) whether petitioner has been represented by private counsel in the instant matter and other pending criminal matters; and (3) the status of the pending robbery charges.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

Graubard Miller,

Plaintiff-Respondent,

-against-

M-4663
Index No. 603932/04

Ronald I. Nadler,

Defendant-Appellant,

-----X

Plaintiff-respondent having moved to adjourn the appeal taken from the orders of the Supreme Court, New York County, entered on or about August 10, 2007 (mot. seq. No. 002) and November 16, 2007 (mot. seq. no. 003),

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 adjourning the appeal to the January 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

M-4540
M-4592
M-4593

-against-

Index No. 109565/03

Maurice Cohen,
Defendant-Appellant,

Summerson International Establishment,
et al.,
Defendants.

-----X

CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

-against-

Index No. 600448/06

Leon Cohen, also known as Leon Levy,
also known as Leon Levy Cohen, also
known as Leon Cohen-Levy, also known
as Levy Cohen, also known as Levy
Leon Cohen, also known as Leon Cohen
Levy, also known as Leon Commen;
Maurice Cohen, also known as
Mauricio Assor, also known as
Mauricio Cohen Assor, also known as
Maurice Assor; Sonia Cohen,
Defendants-Appellants,

Iderval Holding, Ltd., et al.,
Defendants,

Joelle Habib,
Defendant-Appellant.

-----X

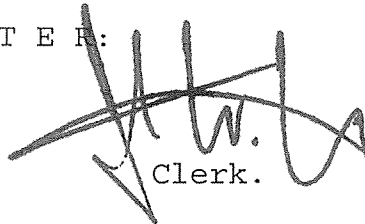
Defendants-appellants Maurice Cohen, Leon Cohen and Sonia Cohen (M-4540) and Joelle Habib (M-4592) having moved by separate motions for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008 (mot. seq. nos. 012 and 013 [under Index No. 109565/03] and mot. seq. nos. 013, 014, 015, 016 and 017 [under Index No. 600448/06]),

And plaintiff-respondent CDR Créances S.A.S. (M-4593) having cross-moved for dismissal of the appeal taken by appellant Joelle Habib [under Index No. 600448/06],

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

Ordered that the motions for a stay of trial are granted on condition that the respective appellants perfect the appeals, which are sua sponte consolidated, to on or before November 10, 2008 for the January 2009 Term. Appellants are permitted to prosecute the consolidated appeals upon 10 copies of one record and one set of appellants' points covering the appeals. The cross motion for dismissal of the Habib appeal is denied with leave to address the issue in respondent's brief.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Adama Njie and Tanisha Njie,
Plaintiffs-Respondents,

-and-

M-4490
Index No. 114265/04

Mustapha Ceesay,
Plaintiff

-against-

Larry S. Thompson,
Defendant-Appellant.


-----X

Defendant-appellant, in connection with an appeal taken from the order of the Supreme Court, New York County, entered on or about September 11, 2007 (mot. seq. no. 002), having moved for leave to file a supplemental record on appeal to include the affidavit of plaintiff-appellant Adama Njie, Exhibit B to moving papers,

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 without prejudice to plaintiffs addressing the issue of the propriety of the inclusion in their respondents' brief.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Phillip R. Woodie,
Plaintiff-Respondent,

-against-

M-4677
Index No. 603582/04

Azteca International Corporation,
doing business as Azteca America,
et al.,
Defendants-Appellants,

Luis J. Echarte, individually and
as CEO of Azteca America, et al.,
Defendants.

-----X

Defendants-appellants having moved for consolidation of the appeals taken from the judgment of the Supreme Court, New York County, entered on or about November 26, 2007 and from the order of said Court, entered on or about December 21, 2007 (mot. seq. no. 012),

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 appellants to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellants' points covering the appeals.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present : Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of

Gregory Kozhar,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

-against-

M-4091
Index Nos. 111270/07
103177/07

Raymond Kelly, etc., et al.,
Respondents.

-----X

Two separate Article 78 proceedings having been transferred to this Court, pursuant to CPLR 7804(g), by orders of the Supreme Court, New York County, both entered on or about October 17, 2007 (mot. seq. no. 001), to review determinations of respondents,

And petitioner having moved to consolidate the aforesaid proceedings and for an enlargement of time in which to perfect same,

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 petitioner to prosecute the proceedings upon 10 copies of one record and of one set of petitioner's points covering the proceedings, and the time in which to perfect same is enlarged to the January 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Philips International Holding Corp.,
Plaintiff-Respondent,

-against-

M-3888
Index No. 600796/08

WBM 295 Madison Owner, LLC,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 17, 2008 (mot. seq. no. 001),

And defendant-appellant landlord having moved in the nature of a preliminary appellate injunction for an order staying enforcement of the aforesaid order which enjoined defendant-appellant from demolishing or otherwise impairing the stairway or entrance leading to the premises located at 295 Madison Avenue, New York, New York 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 denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
James M. Catterson, Justices.

-----X

Lee Kaufman,

Plaintiff-Respondent,

-against-

M-4035

Index No. 110033/05

Jamison Bachman,

Defendant-Appellant.

-----X

An order of this Court having been entered on July 15, 2008 (M-2661), denying appellant's motion to stay all proceedings herein, pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, both entered on or about April 20, 2007 (mot. seq. nos. 003 and 004), and denying defendant leave to appeal to this Court from a decision of Supreme Court, dated March 19, 2008 (mot. seq. no. 005),

And defendant-appellant having moved for leave to appeal to the Court of Appeals from so much of the aforesaid order of this Court entered on July 15, 2008 (M-2661) which denied appellant's motion to stay further proceedings herein,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----X
In re West 97th Street Realty Corp.,
Petitioner-Appellant,

-against-

M-3967
Index No. 102207/07

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

- - - -
Central Park Gardens Tenants'
Association,
Intervenor-Respondent-Respondent.

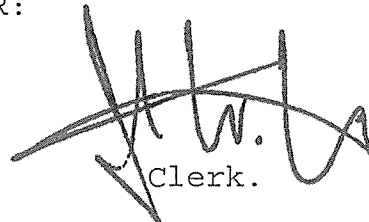
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 29, 2008 (Appeal No. 3750),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X

In re Roy Taylor,
Petitioner,

-against-

M-3554
Index No. 4664/06

Hon. Thomas Farber, etc.,
Respondent.

-----X

Petitioner having moved for reargument of the decision and order of this Court entered on February 26, 2008 (Appeal No. 2896 [M-181]),

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.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Milton L. Williams
James M. McGuire, Justices.

-----X

In re Kadiatou B.,

A Dependent Child Under the
Age of Eighteen Years, etc.,

M-3245

Docket No. NN4166/05

Fatamatou N.-B., et al.,
Respondents-Respondents,

Administration for Children's Services,
Petitioner-Appellant.

-----X

Petitioner-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 June 24, 2008 (Appeal No. 3053),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Luis A. Gonzalez
James M. McGuire, Justices.

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

-against-

M-4263
Ind. No. 2020N/05

Julian Mirabel, also known as
Julian Mirabal,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2007, 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 10 reproduced copies of such brief, together with the original record, with 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, 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, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-4261
Ind. No. 1119/07

Lino Cacho,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 16, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

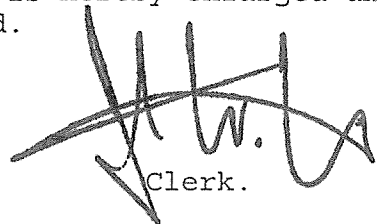
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 10 reproduced copies of such brief, together with the original record, with 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, 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.

Steven Banks, 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.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David Friedman
Milton L. Williams
Karla Moskowitz, Justices.

-----X

530 Manhattan Avenue, HDFC,

Petitioner-Respondent,

-against-

M-3860

Index No. 570479/07

Lillian Malloy,

Respondent-Appellant.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 23, 2008, for leave to prosecute the appeal as a poor person, and for a stay, pending hearing and determination 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.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
In re: New York City Asbestos Litigation

Alfred D'Ulisse, et al.,
Plaintiffs-Respondents,

-against-

M-4257
Index No. 113838/04

Amchem Products, Inc., et al.,
Defendants

-and-

Daimler Chrysler Corporation,
Defendant-Appellant.

Ford Motor Company and General Motors
Corporation,
Proposed Amicus Curiae.
-----X

An appeal having been taken from the final judgment of the Supreme Court, New York County, entered on or about May 13, 2008,

And Ford Motor Company and General Motors Corporation having moved for leave to file an amicus curiae brief 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 denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X
Adventure Trails, Inc.,
Plaintiff-Appellant,

-against-

M-4328
Index No. 602139/04

Leading the Way Tours, Inc.,
and Christine Emrick,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 20, 2007,

An order of this Court having been entered on August 19, 2008 (M-3354) granting plaintiff-appellant an enlargement of time in which to perfect said appeal to the December 2008 Term,

And, defendants-respondents having moved for reargument of the aforesaid order (M-4328),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton W. Williams
Helen E. Freedman, Justices.

-----X
Probate Proceeding, Will of

Seymour Halpern
also known as Seymour Lionel
Halpern,

Deceased,

- - - - -
Elizabeth Halpern,

Appellant,

Surrogate's Court
M-4468
File No. 2719/06

-against-

Adrienne Halpern and Vivienne Halpern,
Respondents.

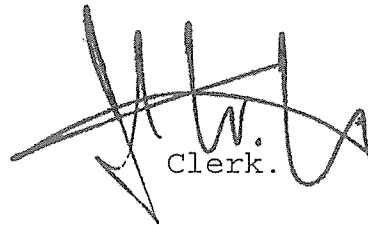
-----X

Respondents having moved for dismissal of the appeal taken from an order of the Surrogate's Court, New York County, entered on or about February 8, 2008,

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.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X
Michele Hannigan,
Plaintiff-Appellant,

-against-

M-4297
Index No. 13580/03

Claudio A. Contreras,
Defendant-Respondent.


-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about October 4, 2007,

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X
Citibank, N.A.,
Plaintiff-Respondent,

-against-

M-4395
Index No. 600148/98

John M. McNamara,
Defendant-Appellant,

-and-

Angst, Inc., et al.,
Defendants.

-----X

Assignee of plaintiff-respondent having moved to dismiss the appeals taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 8, 2008 and the order of said Court entered on or about April 23, 2008 (mot. seq. no. 010),

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 dismissing the appeals, which are sua sponte consolidated, unless perfected for the February 2009 Term. Upon failure to so perfect, an order dismissing the consolidated appeal may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. Appellant is permitted to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

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

-against-

M-4361
Ind. No. 344/07

George Hayes, also known as
James Larkin,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2007, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 10 reproduced copies of such brief, together with the original record, with 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, 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.

Steven Banks, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

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

-against-

M-4369
Case No. 37418C/05

Miguel Collazo,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 10 reproduced copies of such brief, together with the original record, with 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, and of the plea or trial and sentence.

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present : Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X
Casita, LP,
Plaintiff-Respondent,

-against-

M-4341
Index Nos. 603525/05

Maplewood Equity Partners (Offshore)
Ltd.,
Defendant-Appellant.

-----X
(And another action)

Plaintiff-respondent having moved for consolidation of the appeals taken by defendant from the orders of the Supreme Court, New York County, entered on or about December 7, 2007 (mot. seq. no. 007) and July 3, 2008 (mot. seq. no. 007), respectively,

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

It is ordered that the motion is granted and the time in which to perfect the consolidated appeals is enlarged to the February 2009 Term. Defendant is permitted to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Youssef Tokko,
Plaintiff-Appellant,

-against-

M-4594
Index No. 107918/04

Consolidated Edison Co.,
Defendant-Respondent.
-----X

Plaintiff having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about October 26, 2007 (mot. seq. no. 008),

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 in which to perfect the appeal to the February 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Amadou Diouf, et al.,
Plaintiffs-Appellants,

-against-

M-4092
Index No. 109058/05

Bent Druban Corp. Inc., et al.,
Defendants-Respondents.

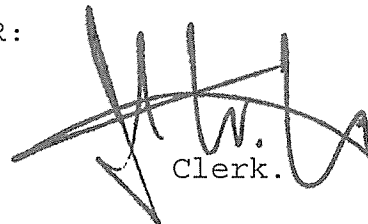
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about October 5, 2007 (mot. seq. no. 002),

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-4295
Ind. No. 5275/06

Eric Alejandro,
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 7, 2008, 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 10 reproduced copies of such brief, together with the original record, with 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.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-4307
Ind. No. 3561/06

Elvis Torres, also known as Elvin
Torres,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 15, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,


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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 10 reproduced copies of such brief, together with the original record, with 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

Gail Dixon,
Defendant-Appellant.

M-4323
Ind. Nos. 1490/08
1272/07

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 31, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

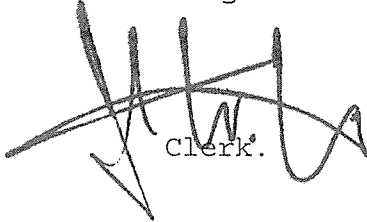
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 10 reproduced copies of such brief, together with the original record, with 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, 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, 74 Trinity Place, 11th Floor, New York, New York 10006, Tel. 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-4324
Ind. No. 5890/06

Ramon Smart, also known as
Ramon De Antonio Smart,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 9, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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 10 reproduced copies of such brief, together with the original record, with 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, and of the plea or trial and sentence.

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X

Michele Esposito,
Plaintiff-Appellant,

-against-

M-4181

Index No. 112510/06

Altria Group, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 16, 2008 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-4303

Ind. No. 2154/07

Robert Nestingen,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 6, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth 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.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justice.

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

-against-

M-4243
Ind. No. 4152/05

Earl Nash,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 19, 2006,

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 in which to perfect the appeal to on or before November 10, 2008 for the January 2009 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of

Debra Ann Mazaras,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.
-----X

M-4349
Index No. 114618/06

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2007 (mot. seq. no. 001),

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 in which to perfect the appeal to the February 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
L.A., M.D., M.P.H.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4426
Index No. 400227/06

Antonia C. Novello, Commissioner,
New York State Department of Health,
and New York State Department of
Health,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 24, 2006 (mot. seq. no. 001),

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 in which to perfect the appeal to the June 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present : Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Bridge Capital Corp., et al.,
Plaintiffs-Respondents,

-against-

M-4421
Index No. 105020/06

Sigurd A. Sorenson, et al.,
Defendants-Appellants.

-----X
Sigurd A. Sorenson,
Third-Party Plaintiff-Appellant,

-against-

257/117 Realty LLC.,
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant Sigurd A. Sorenson having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 8, 2007 and February 5, 2008, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before December 8, 2008 for the February 2009 Term. Appellant is permitted to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-4262
Ind. No. 3558/07

Anthony Pompey,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 2, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
James M. Catterson
James M. McGuire
Karla Moskowitz, Justices.

-----X
In re Stanley Jefferson,
Petitioner-Appellant,

-against-

Raymond Kelly, as the Police
Commissioner of the City of New York,
and as Chairman of the Board of
Trustees of the Police Pension Fund,
Article II, et al.,
Respondents-Respondents.

M-3266
Index No. 103125/06

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 20, 2008 (Appeal No. 3692),

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.

E N T E R:


Clerk.

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

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

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

M- 4165
Ind. No. 3221/00

-against-

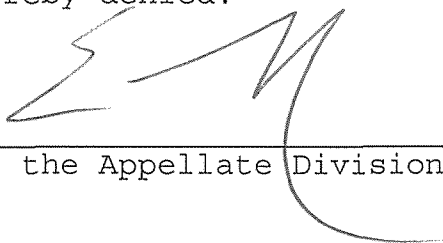
CERTIFICATE
DENYING LEAVE

Nader Attia,

Defendant.

-----X

I, Eugene L. Nardelli, 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, section 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, entered on or about July 29, 2008, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

ENTERED: October 16, 2008

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

Respondent,

-against-

M-2382
Ind. No. 39431C/05

Seth Ritchie,
Defendant-Appellant.

ORDER DENYING
RENEWAL OF ROR
AFTER APPEAL TAKEN

-----X

An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on or about October 16, 2007, and defendant-appellant having moved for renewal of his motion pursuant to CPL 460.50 and 530.50 to be released on his recognizance pending the hearing and determination of the aforesaid 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 be and the same hereby is denied.



Justice of the Appellate Division

Dated: October 10, 2008

Entered: October 16, 2008

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Trifu Penca,
Plaintiff-Respondent,

-against-

M-4548
Index No. 107480/04

Jeffrey Management Corp., Champion
Construction Corp. and R&R Electrical
Associates,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 14, 2008,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 16, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

Respondent,

-against-

M-4601
Ind. No. 755/05

Charu Anthony Cole,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2005, and said appeal having been perfected for the October 2008 Term of this Court,

And defendant-appellant having moved pro se for an adjournment of the aforesaid perfected 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 adjourning the appeal to the February 2009 Term.

ENTER:



Clerk.