

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 January 20, 2009.

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

-----X

In the Matter of

Arrissa M. and Xeria C.,

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

M-6125
Docket Nos. NN928-06/07A
NN930-06/07A

Commissioner of the Administration
for Children's Services,
Petitioner-Respondent,

Shala C.,
Respondent-Appellant,

Shaquanne M.,
Respondent.

Steven Banks, Esq.,
Law Guardian for the Children.

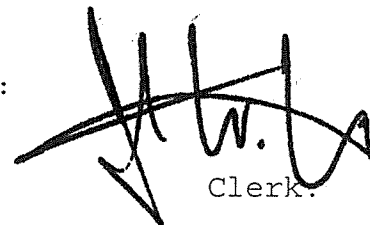
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about July 31, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed December 24, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 20, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----X
In the Matter of

Grace D.,
Petitioner-Respondent, M-5808 & M-5595

-against- Docket Nos. V490/04
V491/04
Ralph D., Respondent-Appellant. V491/04A
V492/04

-----X
Michael DeMattio, Esq.,
Law Guardian for the Children/
Law Guardian-Appellant.
-----X

Separate appeals having been taken to this Court from the amended order of the Supreme Court, Bronx County, Integrated Domestic Violence Part (IDV), entered on or about April 27, 2007, and respondent father's appeal having been perfected for the February 2009 Term of this Court,

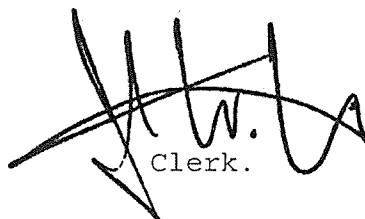
And respondent-appellant father having moved for an order compelling the production of certain transcripts and for related relief (M-5808),

And petitioner-respondent having moved to dismiss the appeals herein (M-5595),

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

Ordered that the respondent-appellant father's motion is denied. Petitioner-respondent's motion is granted, and the appeals are dismissed.

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 January 20, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Helen E. Freedman, Justices.

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

-against-

M-5950

Ind. No. 2668/05

Heriberto Torres,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Bonnie Wittner, J.) entered on or about October 31, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief, for an enlargement of time in which to perfect said appeal, and for related relief,

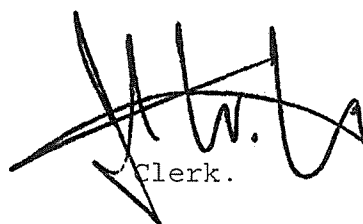
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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.

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 January 20, 2009.

Present: Hon. Jonathan Lippman,
Richard T. Andrias
David Friedman
John T. Buckley
Helen E. Freedman,

Presiding Justice,

Justices.

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

-against-

M-5951
Ind. No. 3980/03

David Green,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Rena K. Uviller, J.) entered on or about October 29, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, an enlargement of time in which to perfect said appeal, and for related relief,

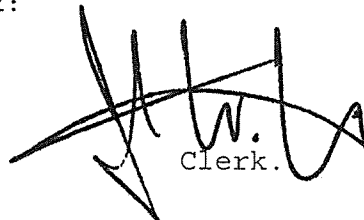
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 10 reproduced copies of such brief, together with the original record, with this Court, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Uviller as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, 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.

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 January 20, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-5859
Ind. No. 6219/07

Gabriel Cordero,
Defendant-Appellant.
-----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 May 13, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

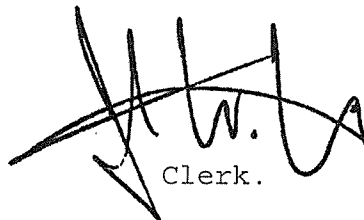
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the 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, Tel. No. (212) 577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 20, 2009.

PRESENT - Hon. Jonathan Lippman
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe,

Presiding Justice,

Justices.

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

-against-

M-6041
Ind. No. 1934/08

Tomas Correa, also known as
Tomas Correa, Jr.,
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 December 4, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

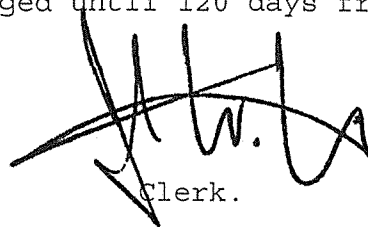
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 January 20, 2009.

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

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

-against-

Jason Johnson,
Defendant-Appellant.

M-6043
Ind. No. 3278/05
Superceding Ind. No. 714/04

-----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 September 16, 2008 and from the judgment(s) of **resentence** of said Court rendered on or about September 18, 2008 and September 24, 2008, respectively, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

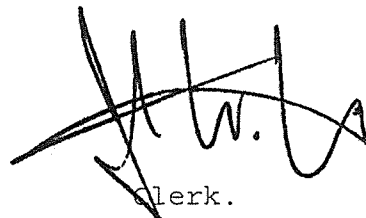
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 and 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.

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.

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe,

Presiding Justice,

Justices.

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

-against-

M-6044
Ind. No. 1748/99

Marcus Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about December 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

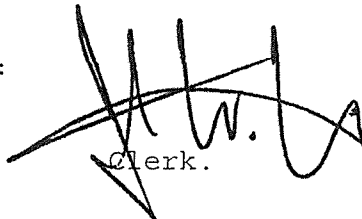
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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, 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 January 20, 2009.

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

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

-against-

M-6045
Ind. No. 1127/07

Martha Lugo,
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 19, 2007, 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 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.

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 January 20, 2009.

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

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

-against-

M-6046
Ind. No. 4924/07

Ermal Qushja, also known as Charles
Qushja,
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 September 8, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

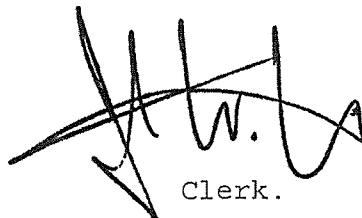
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 January 20, 2009.

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

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

-against-

M-6047
Ind. No. 151/00

Anthony Sams,
Defendant-Appellant.

-----x
Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about October 31, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

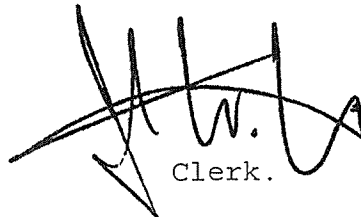
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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.

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 January 20, 2009.

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

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

-against-

M-6048
Ind. No. 1773/07

Heath Strothers,
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 December 9, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

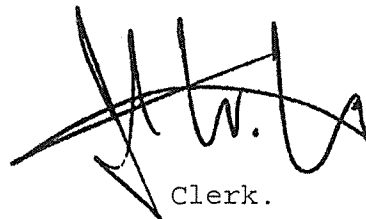
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 January 20, 2009.

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

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

-against- M-6049
Ind. No. 160/04

Jaime Velez,
Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about November 13, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

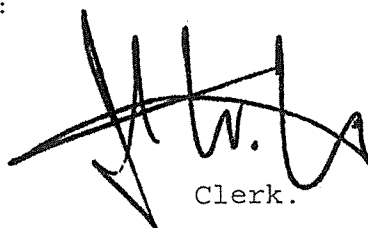
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 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.

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.

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe,

Presiding Justice,

Justices.

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

-against-

M-6050
Ind. No. 2066/01

Ivin Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about November 19, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

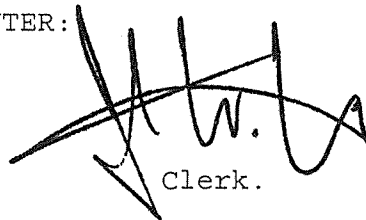
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 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, 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 January 20, 2009.

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

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

-against-

M-6042
Ind. No. 4811/03

Jason Brown,
Defendant-Appellant.

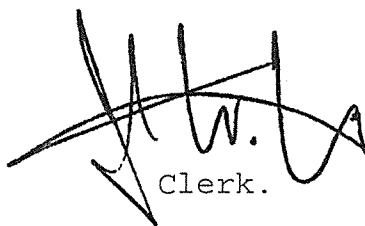
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the amended judgment of the Supreme Court, New York County, rendered on or about November 3, 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 denied, with leave to renew upon submission of a copy of the order/judgment of the Supreme Court, entered/rendered on or about November 3, 2008, and an affidavit of indigency in compliance with CPLR 1101(a).

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 January 20, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Helen E. Freedman, Justices.

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

-against-

M-5884
Case No. 45320C/05

Eric Martin,

Defendant.

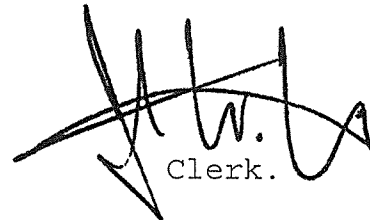
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2006, 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 denied. (See CPL 460.30 subd. 1)

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-5955
Ind. No. 3381/05

Victor Pena,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 6, 2006,

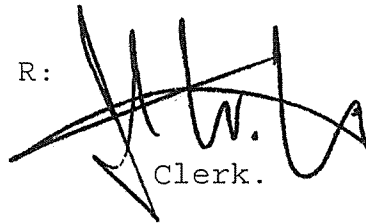
And an order of this Court having been entered on September 30, 2008 (M-3910), inter alia, striking defendant-appellant's appendix,

And respondent People having renewed the motion to strike the appeal from the calendar and appendix, 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 and the appeal is stricken from the calendar with leave to defendant to re-perfect upon a proper appendix and submission of a complete ribbon copy of the transcript. Defendant-appellant is directed to re-perfect the appeal to on or before March 23, 2009 for the June 2009 Term.

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 January 20, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----x
Danica Plumbing & Heating, LLC, now
known as Danica Group, LLC,
Plaintiff-Appellant,

-against-

M-5837
Index No. 303947/07

3536 Cambridge Avenue, LLC, et al.,
Defendants-Respondents.
-----x

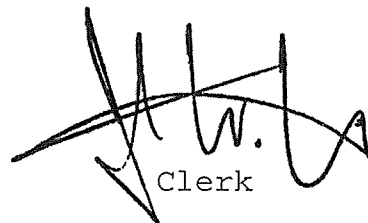
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 24, 2008,

And Graeme Spicer, Esq., of Georgoulis & Associates, PLLC, counsel for defendant-respondent 3536 Cambridge Avenue, LLC, having moved for an order relieving counsel on the appeal,

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

It is ordered that the motion is granted on condition counsel serves a copy of this order upon all the parties within 10 days of the date of entry hereof. The time in which defendant(s) may respond to the appeal is enlarged to March 4, 2009 for the April 2009 Term, to which Term the appeal is adjourned.

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
Luis A. Gonzalez
Rolando T. Acosta, Justices.

-----X
Bernadette Gotay,
Plaintiff-Respondent-Appellant,

-against-

M-5921
M-5979
Index No. 102210/02

David Breitbart,
Defendant-Respondent,

Michael Handwerker, et al.,
Defendants-Appellants-Respondents,

Handwerker, Honschke, Marchelos
& Gayner, et al.,
Defendants.

-----X

Defendant-appellant-respondent, Michael Handwerker, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 6, 2008 (Appeal Nos. 3545-3545A) [M-5921],

And defendants-appellants-respondents, Handwerker Honschke and Marchelos (partnership) and Steve Machelos, Esq. and Neil Honschke, Esq., having moved for the same relief [M-5979],

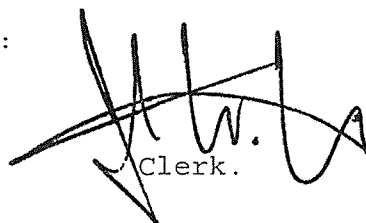
Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are 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 affirmed the order of the 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.

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 January 20, 2009.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Thomas Molyneaux and Mariela
Molyneaux,
Plaintiffs-Respondents,

-against-

The City of New York and P.O.
James Gillick,
Defendants-Appellants.

M-5592
M-5693
Index No. 23469/04

-----X

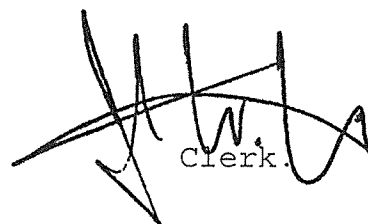
Defendants-appellants having moved for an order enlarging the time in which to perfect the appeal from orders of the Supreme Court, Bronx County, entered on or about August 10, 2007 and January 24, 2008, respectively (M-5592),

And, plaintiffs-respondents having cross-moved to dismiss said appeals (M-5693),

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 and cross-motion are granted to the extent of enlarging the time in which to perfect the appeals, which are, *sua sponte*, consolidated, to the June 2009 Term. Appellants are permitted to prosecute the appeals upon ten copies of one record and one copy of appellants' points covering the aforesaid appeals. Upon failure to so perfect, an order dismissing the appeals may be entered *ex parte*, provided respondents serve a copy of this order upon the appellants within ten 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 January 20, 2009.

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

-----X

Maurice Oparaji,
Plaintiff-Appellant,

-against-

M-5691
Index No. 1180/06

The New York Mortgage Company, LLC,
Defendant-Respondent.

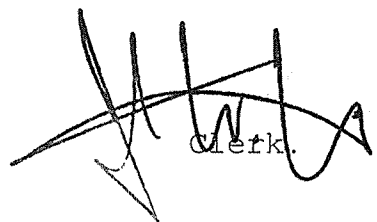
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on October 23, 2008 (Appeal Nos. 4367, 4367A and 4367B),

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Kinder Morgan Energy Partners, L.P.,
et al.,
Plaintiffs-Respondents,

-against-

M-5740
Index No. 104217/07

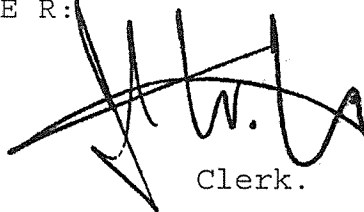
Ace American Insurance Company,
Defendant-Appellant.
-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 (Appeal No. 4444),

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 January 20, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

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

-against-

M-4599
Ind. No. 2553/03

Derrick Hayward,
Defendant-Appellant.

-----X

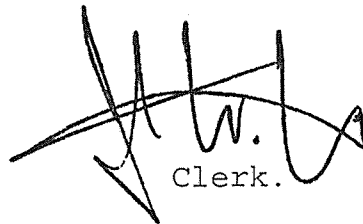
A decision and order of this Court having been entered on February 5, 2008 (Appeal Nos. 2694-2694A), unanimously affirming the judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on November 30, 2005,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, 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 said application 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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez,
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-5690
Ind. No. 6216/07

Edward Miller,
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 September 15, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

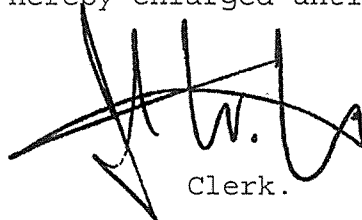
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-5688
Ind. No. 635/07

Joel Vasquez,
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 July 1, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

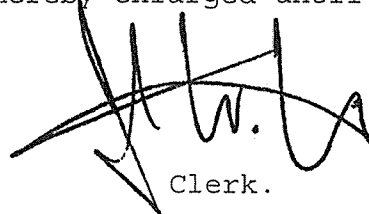
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

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

-against-

M-5954
Ind. No. 2431/08

Tracy Foster,
Defendant-Appellant.

-----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 October 21, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

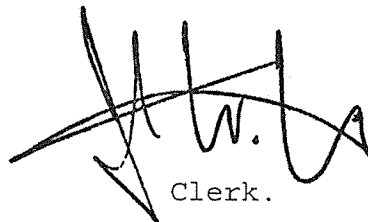
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the 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.

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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-5703
M-5967
Ind. No. 9665/94

Luis Camacho, also known as Luis
Camacho Grueso, also known as
Luis Grueso Camacho,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 10, 2008, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

And respondent having cross-moved for dismissal of the aforesaid appeal,

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 cross motion to dismiss the appeal is denied, without prejudice to addressing the issued on the appeal, and it is further,

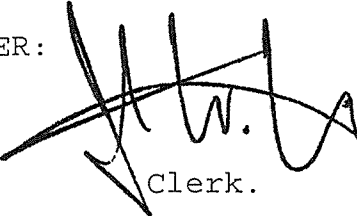
Ordered that the motion is granted, the notice of appeal deemed timely filed, and the appeal is permitted to be heard upon the original record and upon a reproduced appellant's brief, on

condition that appellant serves one copy of such brief upon the 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 **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.

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.

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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5767
Ind. No. 2904/07

Timothy Williams,
Defendant-Appellant.

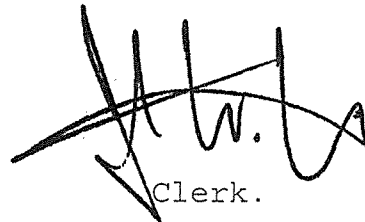
-----X

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 29, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

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

-against-

Kevin S.,
Defendant-Appellant.

SEALED
M-5947
Ind. No. 2775/08

-----X

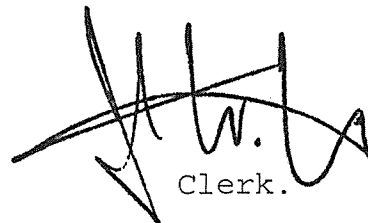
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 22, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and 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 notice of appeal timely filed.

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(a), 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

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

-against-

M-5948
Ind. No. 8135/86

Dave O. Hewitt, also known as
David Hewitt,

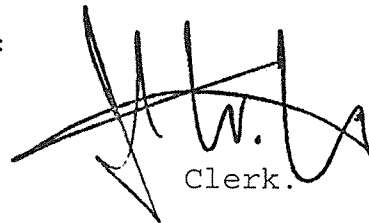
Defendant.
-----X

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 April 17, 1987, 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 denied. (CPL 460.30 Subd. 1)

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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

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

Terrence Boddie,
Petitioner-Appellant,

M-5867

For a Judgment, etc.,

Index No.401320/08

-against-

New York City Housing Authority,
Application and Tenancy Administration
Department,
Respondent-Respondent.

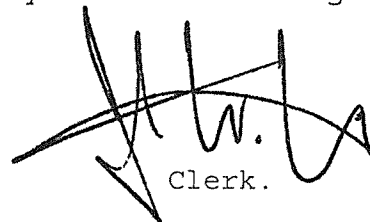
-----X

Petitioner-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 October 15, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 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, the cost thereof to be charged against the City of New York from funds available therefor. So much of the motion which seeks the assignment of counsel is denied. The time in which to perfect the appeal is enlarged until 120 days from the 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Nicoletti Gonson Spinner & Owen LLP
(formerly known as Nicoletti Gonson
& Spinner LLP),
Plaintiff-Respondent,

Index No. 604180/06

-against-

York Claims Service, Inc.,
Defendant-Appellant.

M-6015

York Claims Service, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590030/07

Colonial Cooperative Insurance
Company and Stephen Muehlbauer,
Third-Party Defendants-Respondents.

-----X

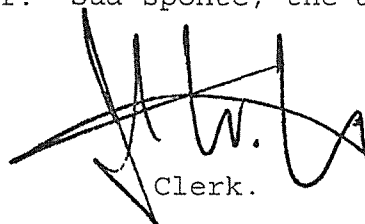
Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 18, 2007, the judgment entered thereon on or about February 26, 2008, and the order of said Court entered on or about July 31, 2008, respectively,

And Richard C. Reilly, Esq., Gleason, Dunn, Walsh & O'Shea, having moved to withdraw as counsel for third-party defendants-respondents Colonial Cooperative Insurance Company and Stephen Muehlbauer, 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 to withdraw as counsel is granted on condition that counsel serves a copy of this order on all parties within 10 days of the date of entry hereof. Sua sponte, the appeal is adjourned to the May 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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----x
The Commissioners of the State
Insurance Fund,
Plaintiff-Respondent,

-against-

Manuel Ramos and J.M.R. Concrete Corp.,
Defendants-Appellants,

M-5776
M-5827
Index No. 402464/05

Lenny Pereira,
Defendant,

-and-

J.M.R. Concrete of Long Island Corp.,
Judgment/Debtor.

-----x

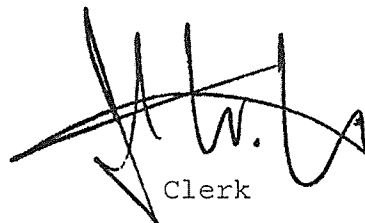
Defendants-appellants having moved for an enlargement of time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about January 22, 2008 (mot. seq. no. 004) and July 7, 2008 (mot. seq. no. 005), respectively,

And plaintiff-respondent having cross-moved for dismissal of the aforesaid appeals for failure to timely prosecute,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are sua sponte consolidated upon 10 copies of one record and one set of appellants points covering the appeals, to the May 2009 Term. The cross motion is granted and the appeal(s) are dismissed unless defendants-appellants perfect for said May 2009 Term. Upon failure to so perfect, an order dismissing the consolidated appeals may be entered ex parte, provided respondent serves a copy of this order upon appellant(s) 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 January 20, 2009.

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

-----X
Allstate Insurance Company, et al.,
Plaintiffs-Appellants,

-against-

M-5833
Index No. 600509/03

Belt Parkway Imaging, P.C., et al.,
Defendants-Respondents,

United States of America,
Defendant-Intervenor.

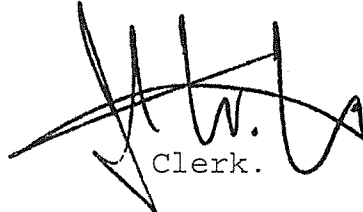
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from a counter-order of the Supreme Court, New York County, entered on or about January 18, 2007 (mot. seq. nos. 007 and 009),

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 appellants' time in which to perfect the appeal to the May 2009 Term, with no further enlargements to be granted.

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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X

Vernon B. Coles, et al.,
Plaintiffs-Respondents,

-against-

M-5863
Index No. 150104/07

Michael Rush,
Defendant-Appellant,

Ricardo John, etc., et al.,
Defendants.


-----X

Defendant-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 March 4, 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 enlarging the time in which to perfect the appeal to the May 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
In the Matter of

Jasmine Pauline M.,

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

M-5877
Docket No. B5360/06

Jewish Child Care Association of New York, et al.,
Petitioners-Respondents,

Encarnacion N.S.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

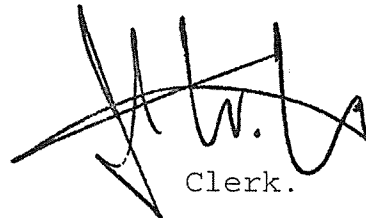
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about March 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 granted to the extent of enlarging the time in which to perfect the appeal to on or before February 23, 2009 for the May 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Hotel 71 Mezz Lender LLC,
Plaintiff-Respondent,

-against-

Robert D. Falor, et al.,
Defendants,

Guy T. Mitchell,
Defendant-Appellant.

SEALED
M-5915
Index No. 601175/07

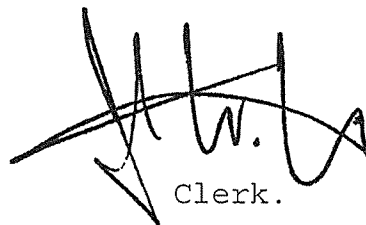
-----X

Defendant-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 February 13, 2008 (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 to the extent of enlarging the time in which to perfect the appeal to the May 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Sirius America Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-6034
Index No. 600785/04

Burlington Insurance Company,
Defendant-Appellant,

K.J.S. Construction Inc., et al.,
Defendants.

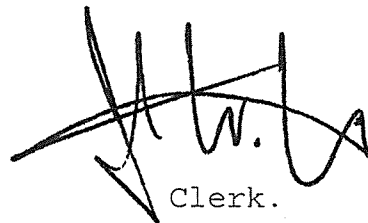
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 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 enlarging the time in which to perfect the appeal to the May 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
William Simmons, an incompetent
adult, by his spouse and de facto
guardian, Linda Dufresne-Simmons,

Plaintiff-Respondent,

M-5659

Index No. 22045/06

-against-

New York City Health and Hospitals
Corporation, doing business as
North Central Bronx Hospital,

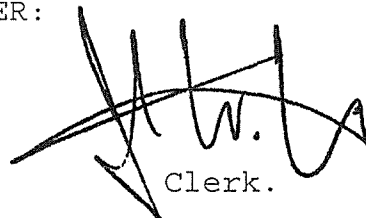
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 26, 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 enlarging the time in which to perfect the appeal to the September 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 January 20, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr.
James M. Catterson, Justices.

-----x
In the Matter of

Joel Q.,

A Person Alleged to be a
Juvenile Delinquent,

M-5882

Docket No. D20501/08

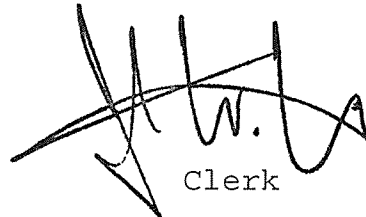
Respondent-Appellant.
-----x

Respondent-appellant having moved for leave to appeal to this Court from the order of the Family Court, Bronx County, entered on or about December 9, 2008, and for a stay of said order, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Claire V. Merkin, Esq., The Legal Aid Society, dated December 29, 2008, counsel for respondent-appellant, 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X

Ozzie B. Campbell,

Plaintiff-Appellant,

-against-

M-5935

Index No. 13360/06

William S. Rodriguez, et al.,

Defendants-Respondents.

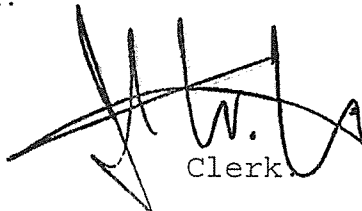
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 3, 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 January 20, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X

In the Matter of

Woodrow Flemming,
Petitioner-Appellant,

For a Judgment, etc.,

M-5869
Index No. 404929/06

-against-

Frank Rizzo, Howard Songeson,
and Hon. James Yates,
Respondents-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 6, 2007,

And petitioner having moved for an order compelling the production of certain transcripts of the Criminal Court proceedings against petitioner at no charge to him,

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 January 20, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-5621
Ind. No. 83/08

Juan Pinero-Baez,

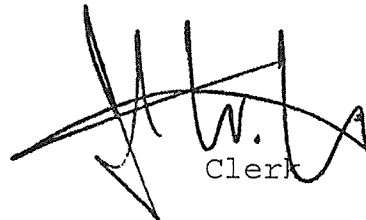
Defendant-Appellant.
-----X

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 July 16, 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 moving papers a timely filed notice of appeal.

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 January 20, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Luis A. Gonzalez
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Amani Dominique H., and
Charlie Alexis H.,

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

Cardinal McCloskey Services, et al.,
Petitioners-Respondents,

M-5513
Docket Nos. B13972-3/05

Andre H.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Children.

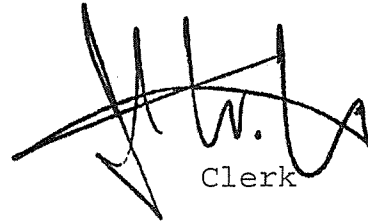
-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 15, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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, John Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, New York 10550, Telephone No. 914-663-1500, 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 State of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 20, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Dragon Investment Company II LLC,
et al.,

Plaintiffs-Appellants,

-against-

M-5706
Index No. 602868/05

William S. Shanahan, et al.,

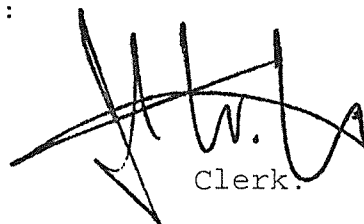
Defendants-Respondents.
-----X

Plaintiffs-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 November 9, 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 enlarging the time in which to perfect the appeal to the May 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 January 20, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-5865
Ind. No. 5116/07

Jackson Jordan,
Defendant-Appellant.

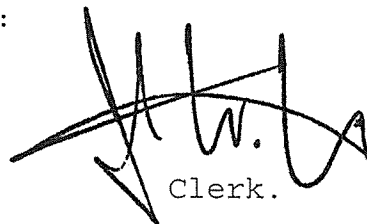
-----X
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2008,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, 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 submission by defendant of a notarized affidavit in compliance with CPLR 1101 (a) and this Court's order of September 18, 2008 (M-3714), explaining whether defendant's father has a source of funds to prosecute this appeal similar to those funds used to pay \$7,500 trial counsel, George Vomvolakis, Esq., and to post \$10,000 bail. Additionally, trial counsel is directed to explain why the ambiguity of his retainer statement should not be reasonably interpreted to as to encompass his representation of defendant in this appeal at no additional fee.

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 January 20, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
John T. Buckley
Rolando T. Acosta, Justices.

-----x

In re Daniel Peckham,
Petitioner-Respondent/Appellant,

-against-

Judith A. Calogero, as Commissioner of
the State of New York Division of
Housing and Community Renewal, et al.,
Respondents-Respondents,

M-4885

Chelsea Partners, LLC (Landlord),
Respondent-Appellant/Respondent.

Index No. 113788/06

327-329 West 22nd Street, LLC,
Redding Properties, Inc.,
Idlewild 94-100 Clark, LLC,
Idlewild 182 State St., LLC,
Idlewild 186 State St., LLC,
Idlewild 188 State St., LLC, and
Idlewild 217 St. Johns, LLC,
Amici Curiae.

-----x

A decision and order of this Court having been entered on June 26, 2008 (Appeal No. 3004), reversing the order and judgment (one paper) of the Supreme Court, New York County (Paul G. Feinman, J.), entered on July 12, 2007,

And petitioner having filed a notice of appeal dated July 30, 2008 to the Court of Appeals from the aforesaid decision and order of this Court,

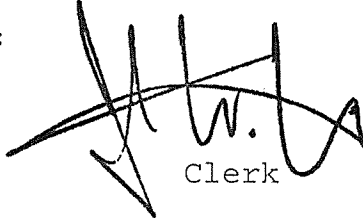
And an order of this Court having been entered on September 25, 2008 (M-3991), granting petitioner a conditional stay of eviction proceedings pending hearing and determination of the appeal to the Court of Appeals from the aforesaid decision and order of this Court,

And respondent Chelsea Partners, LLC, having moved, pursuant to CPLR 5519(c), for vacatur of the stay of eviction proceedings,

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 January 20, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Miliha Ferluckaj,
Plaintiff-Appellant,

-against-

Goldman Sachs & Co.,
Defendant,

M-5715
Index No. 120760/02

-and-

Henegan Construction Co., Inc.,
Defendant-Respondent.

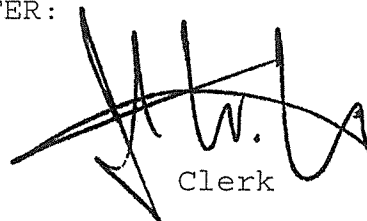
[And a third-party action]
-----X

Plaintiff-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 February 21, 2008 (mot. seq. no. 005),

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 May 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 January 20, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----x
Herbert Aponte,
Plaintiff,

-against-

Atlantic Express, Co.,
Defendant.

M-5698
Index No. 403963/05

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 7, 2007,

And an order of this Court having been entered on June 14, 2007 (M-2413), deeming the moving papers a timely filed notice of appeal and denying poor person relief with leave to renew, as indicated,

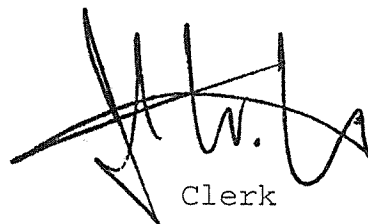
And an order of this Court having been entered on November 20, 2008 (M-4874), inter alia, sua sponte dismissing the appeal,

And plaintiff having moved for vacatur of the order of this Court entered on November 20, 2008 (M-4874), 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.

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 January 20, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Clarissa Alexander,
Plaintiff-Respondent,

-against-

M-43
Index No. 8215/06

The Sisters of Charity of St. Vincent
De Paul of New York, also known as
The Sisters of Charity of St. Vincent
De Paul,
Defendant,

The College of Mount Saint Vincent,
Defendant-Appellant.


-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 20, 2008, and said appeal having been heard in this Court on January 13, 2009 (Appeal No. 5134),

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.

E N T E R


Clerk

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-5509
Ind. No. 6406/02

-against-

CERTIFICATE
DENYING LEAVE

Ioan Ciochenda,

Defendant.

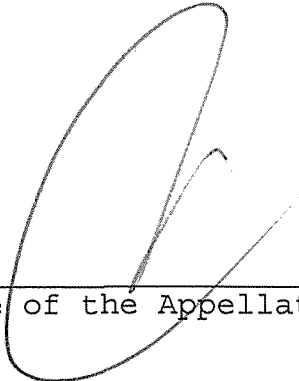
-----X

I, Richard T. Andrias, 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, (Edward J. McLaughlin, J.), entered on or about September 8, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
January 14, 2009

ENTERED

JAN 20 2009


Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M-5999
Ind. No. 2207/07

-against-

CERTIFICATE
GRANTING LEAVE

John C. Kelly,
Defendant-Appellant.

-----X

I, DAVID FRIEDMAN, 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, entered on or about December 8, 2008.¹

Dated: New York, New York
January 12, 2009

ENTERED

JAN 20 2009



DAVID FRIEDMAN
Justice of the Appellate Division

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 DEPARTMENT

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-3907
Ind. No. 688/04

-against-

CERTIFICATE
DENYING LEAVE

Davon Knight,
Defendant,


-----X

I, DAVID FRIEDMAN, 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, Bronx County, entered on or about February 27, 2008, as corrected by the Order of the same Court, entered on or about August 13, 2008, is hereby denied.

Dated: New York, New York
January 14, 2009

ENTERED

JAN 20 2009



DAVID FRIEDMAN
Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4047
Ind. No. 6963/04

-against-

CERTIFICATE
DENYING LEAVE

Mande Wilson,
Defendant.

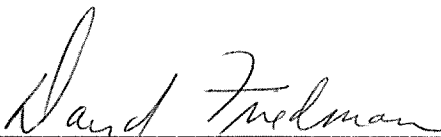
-----X

I, DAVID FRIEDMAN, 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 April 23, 2008, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York
January 14, 2009

ENTERED

JAN 20 2009



DAVID FRIEDMAN
Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4240
Ind. No. 10087/94

-against-

CERTIFICATE
DENYING LEAVE

Augustin Morales a/k/a Martin Garcia,
Defendant.
-----X

I, DAVID FRIEDMAN, 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 17, 2008, is hereby denied.

Dated: New York, New York
January 14, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JAN 20 2009

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-4335
Ind. No. 1966/99

-against-


CERTIFICATE
DENYING LEAVE

Melis-Piadoso Ciriaco,
Defendant.

-----X

I, DAVID FRIEDMAN, 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 16, 2008, is hereby denied.

Dated: New York, New York
January 14, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JAN 20 2009

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

BEFORE: Hon. David Friedman
Justice of the Appellate Division

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

M-4336
Ind. Nos. 6414/03
& 3459/04

-against-


CERTIFICATE
DENYING LEAVE
UPON RENEWAL REARGUMENT

Patrick Kelly,
Defendant.

-----X

I, David Friedman, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application made by the above-named defendant for renewal and
reargument of this Court's order entered August 26, 2008, which
denied his motion for a certificate pursuant to Criminal
Procedure Law, section 460.15, and upon the record and
proceedings herein, and there being no question of law or fact
presented which ought to be reviewed, permission to appeal from
the order of the Supreme Court, New York County, entered on or
about March 5, 2008, is hereby denied.

Dated: New York, New York
January 14, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED

JAN 20 2009

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

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

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

M-5528
Ind. No. 6633/04

-against-

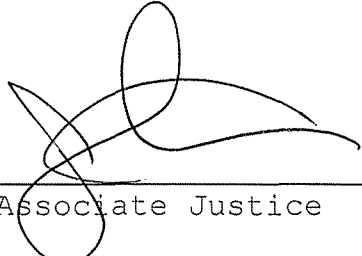
CERTIFICATE
DENYING
RECONSIDERATION

Miguel Andrade,

Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the denial of an application for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, and there being no question of law or fact overlooked, defendant's application for reargument of the denial of his application for permission to appeal from the order of the Supreme Court, New York County, entered on or about March 3, 2008, is hereby denied.



Associate Justice

Dated: January 12, **2009**
New York, New York

ENTERED: **JAN 20 2009**

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5818
Ind. No. 4868/92

-against-

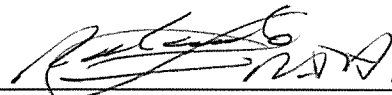
CERTIFICATE
DENYING LEAVE

Myron Dukes,

Defendant.

-----X

I, Rolando T. Acosta, 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 entered on or about November 5, 2008 is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: January 14, 2009
New York, New York

ENTERED: JAN 20 2009

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M- 5620
Ind. No. 5659/ 05

-against-

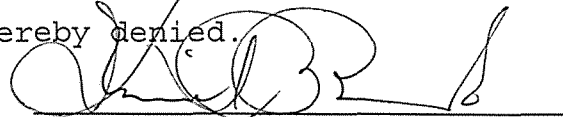
CERTIFICATE
DENYING LEAVE

Terrence Campbell,

Defendant.

-----X

I, Dianne T. Renwick, 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, because the law of the State of New York does not authorize appeals from interlocutory rulings in criminal cases, and thus defendant is precluded from obtaining the review he seeks at the present procedural posture of the case. Accordingly, permission to appeal from the order of the Supreme Court, New York County, entered on or about September 30, 2008, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated: **JAN 14 2009**
New York, New York

ENTERED: **JAN 20 2009**

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M- 5623
Ind. No. 1165/07

-against-

CERTIFICATE
DENYING LEAVE

Felix Hernandez,

Defendant.

-----X

I, Dianne T. Renwick, 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, because the law of the State of New York does not authorize appeals from interlocutory rulings in criminal cases, and thus defendant is precluded from obtaining the review he seeks at the present procedural posture of the case. Accordingly, permission to appeal from the order of the Supreme Court, New York County, entered on or about October 29, 2008, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated: **JAN 15 2009**
New York, New York

ENTERED: **JAN 20 2009**

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

M- 5641
Ind. No. 5059/84

-against-

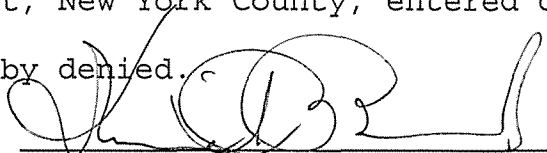
CERTIFICATE
DENYING LEAVE

Anthony Petersen,

Defendant.

-----X

I, Dianne T. Renwick, 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, because the law of the State of New York does not authorize appeals from interlocutory rulings in criminal cases, and thus defendant is precluded from obtaining the review he seeks at the present procedural posture of the case. Accordingly, permission to appeal from the order of the Supreme Court, New York County, entered on or about October 17, 2008, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated: **JAN 15 2009**
New York, New York

ENTERED: **JAN 20 2009**

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

-----X
Pat Bland,

Petitioner-Respondent

M-5382

M-5593

Index No. 402384/07

-against-

New York City Housing Authority,

CERTIFICATE
GRANTING LEAVE

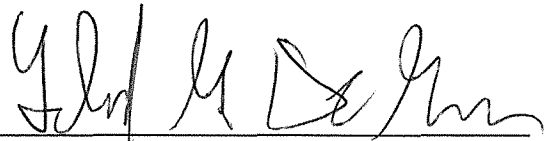
Respondent-Appellant
-----X

Respondent New York City Housing Authority having moved pursuant to CPLR 5701(c) for leave to appeal from the order of the Supreme Court, New York County, entered on or about October 23, 2008 [M-5382], and

Petitioner Pat Bland having cross moved pursuant to CPLR 5701(c) for leave to appeal from the same order [M-5593],

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

It is ordered that motion and cross-motion are granted.



Hon. Leland G. DeGrasse
Associate Justice

Dated: January 12, 2009
New York, New York

ENTERED JAN 20 2009