

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 June 11, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Olga Bonilla,  
Plaintiff-Respondent,

-against-

M-2566X  
Index No. 6912/05

CS Transportation, Inc. and Silverio  
Serrata,  
Defendants-Appellants,

Sharon Mandel, Evelyn C.  
Marrero and Manuel E. Portilla,  
Defendants.

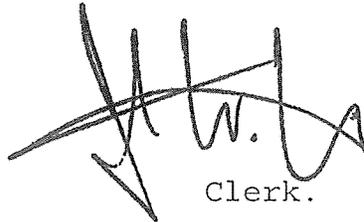
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about February 9, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 1, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 11, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Louis Mino,  
Plaintiff-Respondent-Appellant,

-against-

New York City School Construction  
Authority, The City of New York,  
The New York City Department of  
Education, Forest Electric Corp. and  
TDX Construction Corporation,  
Defendants-Appellants-Respondents.

M-2558  
Index No. 13896/05

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 24, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated May 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the June 2009 Term, are withdrawn in accordance with the aforesaid stipulation.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 June 11, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
In the Matter of the Application of  
Celida Silva,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-2535  
Index No. 400641/08

-against-

The New York City Department of Housing  
Preservation and Development, et al.,  
Respondents,

Metro North Owners, LLC,  
Respondent.

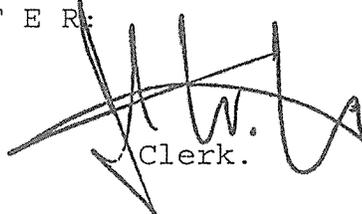
-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed May 27, 2009, and due deliberation having been had thereon, it is

Ordered that the proceeding is withdrawn in accordance with the aforesaid stipulation, the underlying action having been settled.

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 June 11, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Richard T. Andrias  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against-

M-2279  
Ind. No. 1667/99

Carlos Savinon,  
Defendant-Appellant.

-----X

Defendant having renewed his motion 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 December 18, 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.

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

E N T E R :

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 11, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John T. Buckley  
Sheila Abdus-Salaam, Justices.

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

-against-

Ahmed Ali,  
Defendant-Appellant.

M-2094  
Case No. 76254C/07  
Ind. No. 1219/08

-----X

Defendant having moved for an extension of time in which to file notice(s) of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 23, 2009, and for leave to prosecute the appeal(s) as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

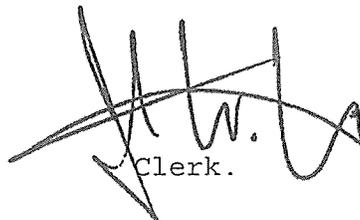
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice(s) of appeal timely filed, and permitting the appeal(s) to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL § 210.20, Arts. 710 and 730, and of the plea or trial and sentence.

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 11, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
John T. Buckley  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Anna Corchado,  
Plaintiff-Respondent,

-against-

M-2024  
Index No. 117716/05

The City of New York and Consolidated  
Edison Company of New York, Inc.,  
Defendants.

-----X  
Consolidated Edison Company  
of New York, Inc.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 590548/06

The Hallen Construction Co., Inc.,  
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 18, 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.

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 June 11, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
In the Matter of

Deivi R.,  
Helvis U. and  
Marvis R.,

Dependent Children under 18 Years  
of Age Alleged to be Neglected  
Pursuant to Article 10 of the  
Family Court Act.

- - - - - M-468  
Administration for Children's Services, Docket Nos. NN3289/07  
Petitioner-Respondent, NN3290/07  
NN3291/07

Marcos R.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, Bronx County, entered on or about November 13, 2008 (under Docket Nos. NN3289/07, NN3290/07 and NN3291/07) and from an order of protection of said Court entered on or about January 21, 2009 (under Docket Nos. NN3289/07 and NN3291/07), and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914)949-8214, as counsel for purposes of prosecuting the appeal;

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

E N T E R:



Clerk.

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<sup>1</sup>Service 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 June 11, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

M-2226  
Ind. No. 1078/07

Terrence Heyward,  
Defendant-Appellant.

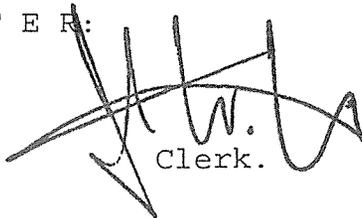
-----X

An order of this Court having been entered on December 23, 2008 (M-5548) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 30, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 June 11, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John T. Buckley  
Sheila Abdus-Salaam, Justices.

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

-against-

M-2365  
Ind. No. 3006/03

Jamel Duggins,  
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 (Michael Obus, J.) entered on or about April 8, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

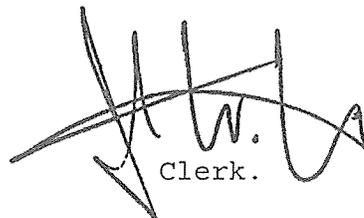
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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 Obus 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 June 11, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Allinsson Almonte,  
Plaintiff-Respondent,

-against-

M-1974  
Index No. 15833/04

Time Warner Cable of New York City,  
formerly Paragon Cable Manhattan, a  
Division of Time Warner Entertainment  
Company, L.P.,  
Defendant-Appellant,

Catello Striano and Grazia Striano,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 7, 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 appellant's time in which to perfect the appeal to the September 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 June 11, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

The City University of New York,  
Petitioner-Appellant,

For a Order and Judgment Pursuant to  
Article 75 of the CPLR,

-against-

M-2296  
Index No. 404273/07

The Professional Staff Congress/CUNY,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from judgment of the Supreme Court, New York County, entered on or about July 24, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 June 11, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Juanita Clotter,  
Plaintiff-Respondent,

-against-

M-2426  
Index No. 24263/03

New York City Transit Authority  
and Metropolitan Transportation  
Authority,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 22, 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 in the County of New York on June 11, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Eliezer Schoen, Individually and as  
Executor and Co-Trustee of the Estate  
of Leah Schoen,  
Plaintiff-Appellant,

-against-

M-1347  
Index No. 111971/06

Ruth Lemberger, Individually and as  
Co-Trustee under the Last Will and  
Testament of Leah Schoen, deceased,  
Defendant-Respondent,

Merrill Lynch & Co., Inc., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 31, 2009 (mot. seq. no. 001),

And plaintiff-appellant having moved for a stay of further proceedings including certain discovery, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff's counsel, dated May 20, 2009, informing the Court of the death of Eliezer Schoen, former plaintiff-appellant and executor to the above-named estate, and due deliberation having been had thereon,

It is ordered that so much of the motion which seeks a stay of plaintiff's deposition is dismissed as moot, and the motion is otherwise dismissed without prejudice to renewal subsequent to substitution. The attention of respective counsel and the remaining parties is directed to CPLR 1015.

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 June 11, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Sharon Sterling,  
Petitioner-Appellant,

M-2047  
Index No. 401143/08

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,  
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 March 23, 2009 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and 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.

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 June 11, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Gilbert Carandang,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.  
-----X

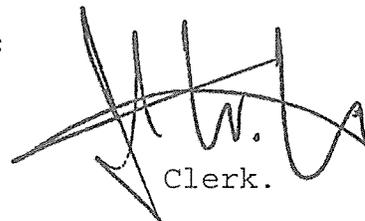
M-2120  
Court of Claims  
Claim No. 115556

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal from order of the Court of Claims of the State of New York entered on or about March 9, 2009, for leave to have the appeal heard on 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 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 June 11, 2009.

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

-----X  
In the Matter of the Application of  
Daylene Studwood,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-2614  
Index No. 401069/08

-against-

New York City Housing Authority,  
Respondent.

-----X

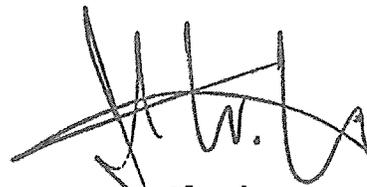
An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and 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, and sua sponte, the proceeding is 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 June 11, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justice.

-----X  
Tracy Massop and Wendell Francis,  
Plaintiffs-Appellants,

-against-

Inventors Helpline/Patent and  
Trademark Institute,  
Defendants-Respondent.

M-2384  
Index No. 604121/06

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 25, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is denied and the appeal is 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 June 11, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Richard Chun,  
Plaintiff-Respondent,

-against-

M-2097  
Index No. 102498/08

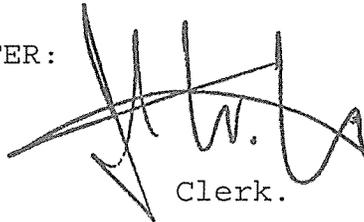
Sook-Cha Kim,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved to enlarge the record on appeal to include minutes of certain court appearances in the record on appeal and for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 26, 2009 (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 granting appellant leave to include the aforesaid minutes in the record on appeal when the appeal is perfected and deeming said appeal to be one from the judgment entered May 7, 2009. The motion is otherwise 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 June 11, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. McGuire  
Karla Moskowitz, Justices.

-----X  
In the Matter of

Imiya P.,

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

-----  
Administration for Children's Services, M-1063  
Petitioner-Respondent, Docket No. NN399/08

Sidnie L.,  
Respondent,

Randall S.,  
Respondent-Appellant.

-----  
Stephanie Rancer, Esq., Lawyers for Children,  
Law Guardian for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 9, 2008, and for assignment of counsel, a free copy of the transcript, and 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, Dora Lassinger, Esq., 6 Howland Rd., East Rockaway, NY 11518, Tel. No. 516-877-8986, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

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<sup>1</sup>Service 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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-2323  
Ind. No. 4213/07

Adam A. Jamison,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, to enlarge the record on appeal to include and to direct the People to provide to appellant the minutes of the Grand Jury proceedings herein, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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. The motion, to the extent it seeks production of the Grand Jury minutes, 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 June 11, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-2357  
Ind. No. 3135/07

Dennis Mendoza,  
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 (Solomon, J.) entered on or about April 14, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

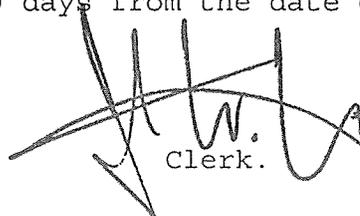
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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 Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

Appellant,

-against-

M-1994  
Ind. No. 5645/06

Anthony Caldwell,

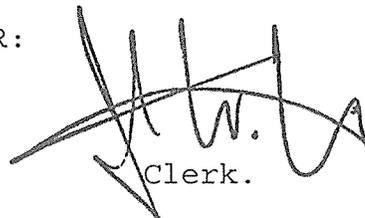
Defendant-Respondent.  
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from the order of the Supreme Court, New York County, entered on or about April 2, 2009, 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. (See M-2292, decided simultaneously herewith.)

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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-2292  
Ind. No. 5645/06

Anthony Caldwell,  
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 May 7, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

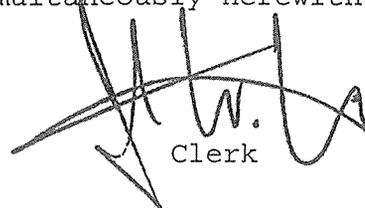
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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. (See M-1994, decided simultaneously herewith.)

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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-2359  
Ind. No. 822/07

Albert Girdner,

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 24, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth 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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-2305  
Ind. No. 4617/08

Kerry Mosley,

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 April 23, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 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 June 11, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-2371  
Ind. No. 1475/03

Corey Gamble,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 19, 2006 (M-4194), sua sponte, assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 19, 2004,

And defendant having moved for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal,

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

It is ordered that the motion is denied. Sua sponte, defendant is granted leave to serve and file a pro se supplemental brief on or before August 10, 2009 for the October 2009 Term. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 June 11, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Shirley Johnson,  
Plaintiff-Appellant,

-against-

M-2352  
Index No. 17424/07

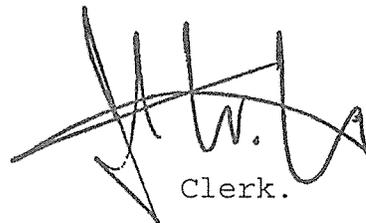
Concourse Village, Inc., et al.,  
Defendants-Respondents.  
-----X

Plaintiff-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 July 11, 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 December 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 June 11, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Gerard A. Connolly,  
Plaintiff-Appellant,

-against-

M-1951  
Index No. 105224/05

Napoli, Kaiser & Bern, LLP, Paul J.  
Napoli, Marc J. Bern, Gerald Kaiser  
and Napoli Bern, LLC,  
Defendants-Respondents.

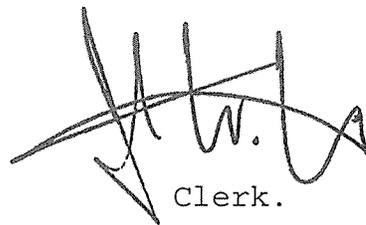
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about February 27, 2008 (mot. seq. no. 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 denied, and the appeal is 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 June 11, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John T. Buckley  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

M-2225  
Ind. No. 4655/07

Rodney Munnerlyn,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 9, 2009, 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.

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 June 11, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

-against-

M-2216  
Ind. No. 5288/04

Boris Teichman,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 17, 2006 (M-4754), assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2006, and said appeal having been perfected,

And defendant having moved pro se to relieve the aforesaid assigned counsel or, in the alternative, for leave to file a pro se supplemental brief,

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 June 11, 2009.

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

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

-against-

Aziz Shadid,

Defendant.

M-2283  
Ind. Nos. 6300/05  
2304/06  
5723/06

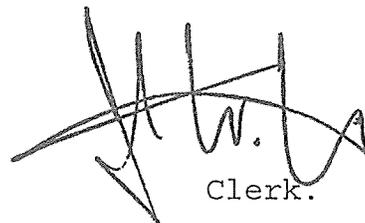
-----X

Defendant having renewed his motion 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 November 30, 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 (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 June 11, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
Dolores Caldwell,  
Plaintiff-Appellant,

-against-

M-2288  
Index No. 17836/06

Rafael Saldana and Michelle M.  
Henderson,  
Defendants-Respondents.

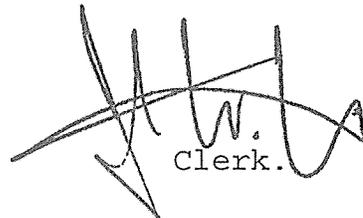
-----X

Defendant Rafael Saldana having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 5, 2007,

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

It is ordered that the motion is granted and the appeal is dismissed.

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 June 11, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

-against-

M-2267  
Ind. No. 5844/06

William Gray,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 15, 2008 (M-1565), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2008,

And an order of a Justice of this Court having been entered on March 19, 2009 (M-5805), granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about March 19, 2009, and consolidating the appeals herein,

And defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the consolidated appeals, 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 10 copies of the proposed pro se supplemental brief submitted with the moving papers as timely filed for the October 2009 Term, to which Term the consolidated appeals are adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned to this Court.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 11, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

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

Thomas James,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2316  
Index No. 113736/07

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

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 11, 2008 (mot. seq. no 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 June 11, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John T. Buckley  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Coldwell Banker Hunt Kennedy,  
Plaintiff-Respondent,

-against-

M-2221  
Index No. 112601/07

Howard L. Wolfson and Mary T.  
McCullough,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from the order and judgment of the Supreme Court, New York County, entered on or about July 1, 2008 and July 14, 2008, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2009 Term, with no further enlargements to be granted.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 11, 2009.

Present - Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Howard S.,  
Plaintiff-Appellant,

-against-

Lillian S., M-1796  
Defendant-Respondent, Index No. 350049/08

Ryan M.,  
Co-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 17, 2009 (Appeal No. 4563),

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

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

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

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

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 June 11, 2009.

PRESENT - Hon. James M. McGuire, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Guardianship of  
the Person and Custody of

Jazmin Marva B. and  
Janiyah Geraldine F.,

Dependent Children under 18 Years of Age  
Pursuant to §384-b of the Social Services  
Law and/or Article 6 of Family Court Act.

- - - - -

McMahon Services for Children a  
program of Good Shepherd Services,  
et al.,  
Petitioners-Respondents,

M-1447  
Docket Nos. B394/08  
B395/08

Cecile Marva B.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, both entered on or about February 19, 2009, and for assignment of counsel, a free copy of the transcript, and 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York 10538, Telephone No. (914)834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for

inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

<sup>1</sup>Service 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 June 11, 2009.

PRESENT - Hon. James M. McGuire, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Camila Crystal G. R.,

A Dependent Child under 18 Years  
of Age Alleged to be Neglected  
Pursuant to Article 10 of the  
Family Court Act.

-----  
Administration for Children's Services, M-1291  
Petitioner-Respondent, Docket No. NN15563/06

Josefina R.,  
Respondent-Appellant.

-----  
Steven Banks, Esq., Legal Aid Society,  
Juvenile Rights Division,  
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 19, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914)949-8214, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

STATE OF NEW YORK  
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe  
Justice of the Appellate Division

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

M-661  
Bronx Co.  
Indictment Nos.  
2562/93, 2950/93

-against-

CERTIFICATE  
DENYING LEAVE

Pedro Bridgewater, a/k/a Anthony Nunez,  
  
Defendant.

-----X

I, David B. Saxe, 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 January 13, 2009, is hereby denied.

Dated: New York, New York

  
Justice of the Appellate Division

**ENTERED**

**JUN 11 2009**

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-1693  
Ind. No.3227/2003

-against-

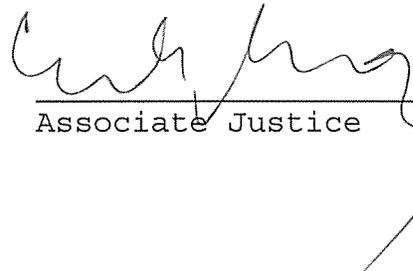
CERTIFICATE  
DENYING LEAVE

Michael Young

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 11, 2009, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: *June 8*, 2009  
New York, New York

ENTERED: JUN 11 2009

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-1746  
Ind. No. 8328/1994

-against-

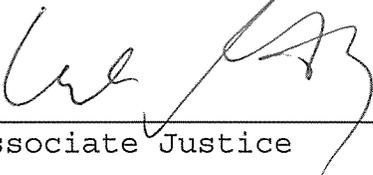
CERTIFICATE  
DENYING LEAVE

Brian Davis

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 5, 2008, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: June 8, 2009  
New York, New York

ENTERED: **JUN 11 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  
The People of the State of New York,

M-2143  
Ind. No. 8206/91

-against-

CERTIFICATE  
DENYING LEAVE

Danny DeJesus, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 31, 2009, is hereby denied.

Dated: New York, New York  
June 4, 2009



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

JUN 11 2009

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-1745  
Ind. No. 7870/98

-against-

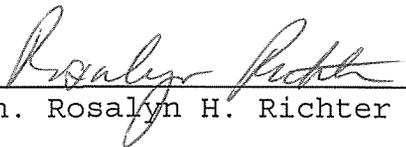
CERTIFICATE  
DENYING LEAVE

Aaron Ennis

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 5, 2009 is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: June 5, 2009  
New York, New York

ENTERED: JUN 11 2009

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-2250  
Ind. No. 3669/02

-against-

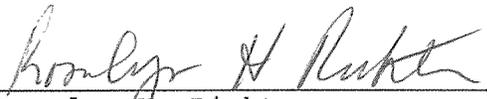
CERTIFICATE  
GRANTING LEAVE

Steven Sanchez,  
Defendant-Appellant.

-----X

I, Rosalyn H. Richter, 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, Bronx County, entered on or about April 2, 2009.<sup>1</sup>

Dated: June 8, 2009  
New York, New York



Hon. Rosalyn H. Richter  
Associate Justice

**ENTERED**

JUN 11 2009

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.

<sup>1</sup>In 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.

# PM ORDERS

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 June 11, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----x  
Violetta Khotyanova,  
Plaintiff-Appellant,

-against-

New York Community Hospital & Merab  
Krikhely, M.D.,  
Defendants-Respondents.  
-----x

M-2329  
Index No. 27130/02

Plaintiff having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about July 3, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time to perfect the appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of waiving the filing fee. The time in which to perfect the appeal is enlarged to on or before August 10, 2009 for the October 2009 Term. The motion is otherwise 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 June 11, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Marta Lopez,  
Plaintiff,

-against-

Fordham University,  
Defendant-Appellant.

**M-2411**  
Index No. 7117/04

-----X  
Fordham University,  
Third-Party Plaintiff-Appellant,

-against-

Turner Construction Company,  
Third-Party Defendant-Respondent.

Index No. 84622/05

-----X  
Turner Construction Company,  
Second Third-Party Plaintiff-  
Respondent,

-against-

Olympic Plumbing & Heating Corporation,  
Second Third-Party Defendant-  
Respondent.

Index No. 85067/06

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 13, 2009,

And defendant/third-party plaintiff-appellant, Fordham University, having moved to stay trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition defendant/  
third-party plaintiff-appellant, Fordham University, perfects the  
appeal on or before August 10, 2009 for the October 2009 Term. Upon  
failure to so perfect, an order vacating the stay may be entered  
ex parte, provided that either respondent serves a copy of this order  
upon appellant within 10 days after the date of entry hereof.

ENTER:



Clerk.

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

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

-----X

In the Matter of

Shamel R.,

A Person Alleged to be a Juvenile  
Delinquent,

M-2468

Docket Nos. D6565-08/09A

E13593/08

Respondent-Appellant.

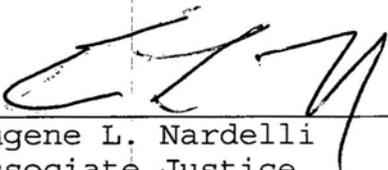
-----X

Respondent-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about April 30, 2009, remanding him to the Commissioner of Juvenile Justice to be detained for purposes of transportation to New York State Office of Children and Family Services,

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 M-2468A, decided simultaneously herewith.)

Dated: New York, New York

  
\_\_\_\_\_  
Eugene L. Nardelli  
Associate Justice

Entered:

**JUN 11 2009**

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 June 11, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John T. Buckley  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Shamel R.,

A Person Alleged to be a Juvenile  
Delinquent,

M-2468A  
Docket Nos. D6565-08/09A  
E13593/08

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 30, 2009, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant

---

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

is directed to perfect this appeal **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-2468, decided simultaneously herewith.)

ENTER:



Clerk