

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2013.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Khorl Francis,
Plaintiff-Respondent,

-against-

M-794X
Index No. 303013/08

Chris Morales, et al.,
Defendants,

Zekria Bakhsh-Ali, Abdullah Yaqubi,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 1, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 8, 2013, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 24, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David Friedman, Justices.

-----X
Maureen Ingleton,
Plaintiff-Respondent,

-against-

M-1381X
Index No. 301247/08

1229-1273 Realty LLC,
Defendant-Appellant.
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about November 16, 2012,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 8, 2013, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 25, 2013.

Present : Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

71 Clinton Street Apartments LLC,
as assignee of People's United Bank,
as successor by merger to Bank of
Smithtown,

Plaintiff-Respondent,

M-1536

Index No. 382040/10

-against-

Ilana Industrial LLC and 71 Clinton,
Inc.,

Defendants-Appellants,

Steven Rosenfeld, et al.,
Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about January 19, 2012 and July 13, 2012, respectively, and said appeals having been consolidated by an order of this Court entered on December 27, 2012 (M-4970), and defendants-appellants having been directed to perfect the consolidated appeals for the June 2013 Term,

And subsequent appeals having been taken by defendants from an order of the Supreme Court, Bronx County, entered on or about September 20, 2012 and from a judgment of said Court, entered on or about February 28, 2013,

And defendant having moved for consolidation of the appeals taken from the order and the judgment of the Supreme Court, Bronx County, entered on or about September 20, 2012 and February 28, 2013, with the orders consolidated by the order of this Court entered on December 27, 2012 (M-4970) and for an enlargement of time to perfect same,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Sandra Piendrabuena Abrams,

Plaintiff-Appellant,

-against-

M-1834
Index No. 110329/09

Danielle Pecile

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 31, 2012 (mot. seq. no. 016),

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2013 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 April 25, 2013.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x

Binta Diallo,
Plaintiff,

-against-

M-342

Index No. 111870/09

560 West 149th St. Tenants Corp.,
et al.,
Defendants.

-----x

An order of this Court having been entered on February 7, 2013 (M-5671), denying plaintiff-appellant's motion for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 31, 2011 (mot. seq. no. 002), and sua sponte dismissing said appeal,

And plaintiff, pro se, having moved for an order discharging her counsel and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion is 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 April 25, 2013.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Dianne T. Renwick
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

The People of the State of New York,
Respondent,

M-561

-against-

Ind. No. 3623/10

Edward Pemberton,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 5, 2012 (M-5248) 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 September 14, 2011,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of 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 to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 April 25, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1251
Ind. No. 3308/03

Jonathan McAllister,
Defendant-Appellant.

-----X

Defendant-appellant having moved for dismissal of the appeal taken from the order of **resentence** of the Supreme Court, New York County, rendered on or about February 3, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2013.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Rolando T. Acosta
Judith J. Gische, Justices.

-----X

In re Keisha Gabriel S.,
Petitioner-Respondent,

-against-

Alphonso S.,
Respondent-Appellant.

M-117
Index No. 76176/07

- - - - -
In re Keisha Gabriel S.,
Plaintiff-Respondent,

-against-

Alphonso S.,
Defendant-Appellant.

-----X

Respondent/defendant-appellant father, pro se, having moved for reargument of the decision and order of this Court entered on November 13, 2012 (Appeal Nos. 8477-8478), and for an extension of time to file a reply,

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

It is ordered that the motion is as such 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 April 25, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
David B. Saxe
Karla Moskowitz
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Barbara Harris,

Petitioner-Appellant,

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

M-784
M-839
Index No. 403381/10

-against-

New York City Housing Authority,

Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 22, 2012,

And respondent-respondent having moved for dismissal of the aforesaid appeal (M-784),

And petitioner-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal, for leave to prosecute the appeal as a poor person, and for a stay of eviction pending hearing and determination of the appeal (M-839)

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 respondent's motion is granted and the appeal is dismissed (M-784). Petitioner's cross motion is denied, and the interim relief granted by an order of a Justice of this Court, dated February 13, 2013, is vacated.

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 April 25, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Nelson S. Román
Paul G. Feinman, Justices.

-----x
Board of Managers of the Lenox Grand
Condominium,
Plaintiff-Respondent,

-against-

M-1291
Index No. 112834/09

DSW Lenox LLC,
Defendant-Appellant,

Country Bank, et al.,
Defendants.

-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about December 20, 2012, for failure to file a record on appeal,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the October 2013 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 April 25, 2013.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Nelson S. Román
Paul G. Feinman, Justices.

-----X
Gloria Deanna Dickerson,

Plaintiff-Appellant,

-against-

M-1609
Index No. 108081/11

United Way of New York City,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about March 28, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 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 in the County of New York on April 25, 2013.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Nelson S. Román
Paul G. Feinman, Justices.

-----X
Joyce Meshel,

Plaintiff-Appellant,

-against-

M-1454
Index No. 350604/04

Jeffrey Meshel,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2013,

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

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated March 13, 2013 is vacated.

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 April 25, 2013.

Present: Hon. Peter Tom, Justice Presiding,
Rolando T. Acosta
Nelson S. Román
Darcel D. Clark, Justices.

-----X
In the Matter of

Joelin V.,

A Person Alleged to Be a Juvenile
Delinquent,

M-1706

Docket No. D-15325/10

Respondent-Appellant.
-----X

An appeal having been taken from an Order of Disposition of the Family Court, Bronx County, entered on or about July 19, 2012, and the appeal having been perfected,

And respondent-appellant having moved for a stay of the Order of Disposition 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.

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 April 25, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against- M-384
Ind. No. 2148/11

Robert Cody,
Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2011, 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 25, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Melvin Dubinsky,
Petitioner-Appellant,

For Permission to Serve a Late Notice of Claim Nunc Pro Tunc on M-713
Index No. 108600/11

The City of New York,
Respondent-Respondent.
-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about December 20, 2011, for leave to amend the record on 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 only granted to the extent of enlarging the time to perfect the appeal to the September 2013 Term, and 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 April 25, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Paul G. Feinman, Justices.

-----X
Hector Lopez,
Petitioner-Appellant,

-against-

M-4708
Index No. 400688/12

The New York City Police Department,
Records Access Officer,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 14, 2012, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that 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 attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 April 25, 2013.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Paul G. Feinman
Darcel D. Clark, Justices.

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

-against-

M-933
Ind. No. 4057/10

Richard Seaman,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 4, 2011 (M-3474) 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 June 29, 2011, 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.

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 April 25, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
Paul Kleinberg, et al.,
Plaintiffs-Respondents-Respondents,

-against-

M-1451
M-1552
Index No. 109371/09

The J Construction Company,
Defendant-Appellant-Respondent,

516 West 19th Street, LLC, SLCE
Architects, LLP and the Board of
Managers of the 520 West 19th Street
Condominium,
Defendants-Respondents-Respondents.

-----X
516 West 19th Street, LLC,
First Third-Party Plaintiff,

-against-

Third Party
Index No. 591008/09

I.M. Robbins, P.C.,
First Third-Party Defendant.

-----X
The J Construction Company, LLC,
Second Third-Party Plaintiff,

-against-

Third Party
Index No. 590362/10

Delta Testing
Laboratories Inc.,
Second Third-Party Defendant
Respondent-Appellant,

Interstate Industrial Corp., FCI
Consulting Corp., RCI Plumbing Corp.,
Interstate Drywall Corporation, ABCO
Peerless Sprinkler Corporation,
Absolute Electrical Contracting Corp.,
Custom Metal Crafters, Inc., also known
as A & S Window Products, LLC, formerly
known as Custom Metal-Crafters &
Erectors LLC, Garden State Commercial
Services, KNS Building Restoration
Corp., Ronald T. Vass Corp., Graciano

Corporation, City Elevator, Jansons Associates Inc., and JAM Consultants Inc.,

Second Third-Party Defendants- Respondents-Respondents.

-----X

KNS Restoration Inc., Third Third-Party Plaintiff,

-against-

AlliancePlus, Inc. and Aspen Insurance UK Limited, Third Third-Party Defendants.

-----X

Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 27, 2012 (mot. seq. nos. 006, 008)

And defendant/third party plaintiff J Construction Co., LLC having moved for an enlargement of time to perfect its appeal taken from the aforesaid order (M-1451),

And second third-party defendant Delta Testing Laboratories Inc. having cross-moved for an enlargement of time to perfect their cross appeal taken from the aforesaid order (M-1552),

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 and cross motion (M-1451/M-1552) are granted to the extent of enlarging the time to perfect the respective appeals and cross appeal to the September 2013 Term, sua sponte, the time for all additional appellants if any to perfect their appeals is enlarged to said September 2013 Term. The Clerk of the Court is directed to calendar the appeals and cross appeal for hearing together on the same day of said Term, if so perfected.

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 April 25, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

In the Matter of

Orlando R.

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

Commissioner of Social Services of
the City of New York,
Petitioner-Respondent,

M-445
Docket No. NN-37500/10

Orlando R.,
Respondent-Appellant,

Nancy E.,
Respondent.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney 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 November 23, 2012 and the Order of Disposition of said Court entered on or about January 2, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway Suite 412, White Plains, NY 10601, Telephone No. (914)949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-879
Ind. No. 10/11

Nilton Rodriguez,

Defendant-Appellant.

-----X

Defendant having moved, through retained counsel, for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 17, 2011,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 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 April 25, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Hoffinger Stern & Ross, LLP,

Plaintiff-Respondent,

-against-

M-929

Index No. 113111/09

Philip Neuman, et al.,

Defendants-Appellants.
-----x

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about April 11, 2012, for failure to timely prosecute,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the September 2013 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 April 25, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Paul G. Feinman
Judith J. Gische, Justices.

-----X
DLJ Mortgage Capital, Inc.,
Plaintiff-Respondent,

-against-

M-236
Index No. 104675/10

George Kontogiannis, et al.,
Defendants-Appellants,

Thomas Kontogianni, et al.,
Defendants.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about April 14, 2011, November 16, 2011, December 1, 2011 (mot. seq. no. 049), December 2, 2011, December 6, 2011, respectively, and from the judgment of said Court entered on or about November 26, 2011, and said appeals having been perfected,

And plaintiff-respondent having moved to dismiss the aforesaid appeals or, in the alternative, for an order directing defendants-appellants to file a supplemental record on appeal or granting plaintiff-respondent leave to file same, and for adjournment of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated April 18, 2013, and due deliberation having been had thereon,

It is ordered that the aforesaid appeals are dismissed in accordance with the aforesaid stipulation and the motion is denied as academic.

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 April 25, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Megan Conway,

Plaintiff-Appellant,

-against-

M-1340
Index No. 101609/12

Hudson River Park Trust,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 21, 2012, or for alternative 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 enlarging the time to perfect the appeal to the October 2013 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 April 25, 2013.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1599
Ind. No. 29/00

Ralph Alicea,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2004,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the October 2013 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 April 25, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
3801 Review Realty LLC,
Plaintiff-Appellant,

-against-

M-1434
Index No. 20098/12

Review Realty Company, LLC,
Defendant-Respoendent.
-----X

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about January 8, 2013 and a judgment of the same Court and Justice, entered on or about February 14, 2013,

And plaintiff-appellant having moved to stay of enforcement of the aforesaid order and judgment pending hearing and determination of the appeal taken therefrom,

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 that the appeal is perfected for the September 2013 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 April 25, 2013.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Sallie M. Herman,
Plaintiff-Respondent,

-against-

M-937
Index No. 301234/09

Gerald J. Moore, Bean Creek Hay
Farm, Inc., and Bean Creek Farm,
LLC,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 17, 2012, and said appeal having been perfected,

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 that the appeal is not adjourned beyond the June 2013 Term, except upon consent.

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 April 25, 2013.

Present - Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----x

Christopher Pannone,

Plaintiff-Appellant,

-against-

M-1260
Index No. 107932/04

Daniel P. Silberstein, Esq., et al.,

Defendants-Respondents.

-----x

Defendant-respondent Daniel P. Silberstein, Esq. having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about November 21, 2012,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the October 2013 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 April 25, 2013.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Melvin Dubinsky,
Petitioner-Appellant,

For Permission to Serve a Late Notice of Claim Nunc Pro Tunc on M-713
Index No. 108600/11

The City of New York,
Respondent-Respondent.
-----X

Petitioner-appellant, pro se, having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about December 20, 2011, for leave to amend the record on 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 only granted to the extent of enlarging the time to perfect the appeal to the September 2013 Term, and 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 April 25, 2013.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-757
Ind. No. 3802/99

Derrick Harris,
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 (White, J.) entered on or about August 8, 2012, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard S. Greenberg, 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 April 25, 2013.

PRESENT: Hon. David Friedman Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

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

-against-

M-919
Ind. No. 4627/10

Eddie Wagner,
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 January 12, 2012, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 25, 2013.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----x
Jeanne Marie Lusk,
Plaintiff-Appellant,

-against-

Kenneth J. Weinstein, Esq., et al.,
Defendants-Respondents.
-----x

M-865
M-1084
Index No. 102852/09

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 14, 2011 (M-865),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal for failure to timely perfect (M-1084),

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 denied (M-865). The cross motion is granted and the appeal is dismissed (M-1084).

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 April 25, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Nelson S. Román
Paul G. Feinman
Darcel D. Clark, Justices.

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

-against-

M-878
Ind. No. 1676/95

James Rizzo,
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 (Uviller, J.) entered on or about February 8, 2013, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) 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, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

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 April 25, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Nelson S. Román
Paul G. Feinman
Darcel D. Clark, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

Natavia Lowery,

Defendant-Appellant.

M-715
Ind. Nos. 5850/07
4346/08

-----X

Defendant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 3, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2013 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 April 25, 2013.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Nelson S. Román
Paul G. Feinman, Justices.

-----x
Stewart H. Benson,

Plaintiff-Respondent,

-against-

Jodi L. Benson,

Defendant-Appellant.
-----x

M-393
M-799
Index No. 308982/12

Plaintiff-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about October 23, 2012 (M-393),

And defendant-appellant having cross moved to deem the aforesaid appeal to be from the judgment of said Court entered on or about November 27, 2012 (M-799),

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, to the extent it seeks to dismiss the appeal from the order entered on or about October 23, 2012, is denied (M-393). The cross motion is granted to the extent of deeming the appeal from the order of the Supreme Court, New York County, entered on or about October 23, 2012 to specify an appeal from the judgment of said Court entered on or about November 27, 2012 (M-799).

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 April 25, 2013.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
Sedina Levin,
Plaintiff-Appellant,

-against-

M-828
Index No.400309/10

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

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 24, 2012 and from an order of the same Court and Justice entered on or about November 30, 2012, respectively,

And plaintiff-appellant having moved for an order enlarging the time to perfect an appeal taken from the order of the Supreme Court, New York County, entered on or about February 24, 2012,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals, which are, sua sponte, consolidated, to on or before July 8, 2013 for the September 2013 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 25, 2013.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Darcel D. Clark, Justices.

-----X
In the Matter of the Application of
Najuma King,
Petitioner,

M-914

For a Judgment Pursuant to Article 78 Index No. 400608/12
of the Civil Practice Law and Rules,

-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 June 19, 2012,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's 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 granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file copies of such brief, together with the original record, with this Court. Petitioner 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 April 25, 2013.

Present: Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X
In the Matter of
L. Dennis Kozlowski,
Petitioner-Respondent-Appellant,

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

M-1658
M-1878
Index No. 104097/12

-against-

New York State Board of Parole,
Respondent-Appellant-Respondent.
-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 8, 2013,

And petitioner-respondent-appellant having moved for an order dismissing respondent's direct appeal (M-1658), vacating the stay provided in the aforesaid order of the Supreme Court, and for related relief (M-1658),

And respondent-appellant having cross-moved for an order vacating the adjournment of its appeal, for leave to appeal to this Court, and for other relief (M-1878),

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 petitioner-respondent-appellant's motion is denied (M-1658). Respondent-appellant's cross motion, to the extent it seeks leave to appeal to this Court, is denied, as unnecessary. So much of the cross motion which seeks to vacate the adjournment of its appeal is denied (M-1878).

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 April 25, 2013.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Darcel D. Clark, Justices.

-----X

Chong Min Mun,
Plaintiff-Respondent,

SK New York, LLC,
Plaintiff,

-against-

M-1804
Index No. 604158/05

Soung Eun Hong,
Defendant-Appellant.

-----X

Defendant-appellant having moved 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 December 17, 2010 (mot. seq. no. 007), and said appeal having been perfected,

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 consent.

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 April 25, 2013.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X
Anthony Dawson,
Plaintiff-Appellant,

-against-

M-712
Index No. 303492/08

Metropolitan Exposition Services,
Inc., et al.,
Defendants-Respondents.

-----X

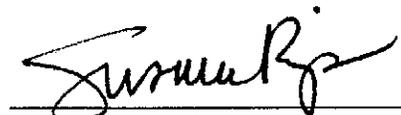
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 6, 2012,

And defendant-respondent, Brewer Yacht Sales, Inc., having moved to dismiss the aforesaid appeal,

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

Ordered that the motion is granted and the appeal is dismissed, with respect to movant Brewer Yacht Sales, Inc. The appeal remains extant as to the remaining respondents.

ENTER:


CLERK

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 - 1667
Ind. No. 7249/03 &
7249A/03

-against-

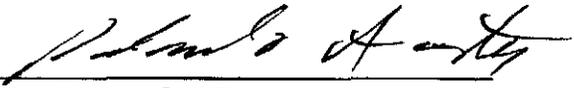
CERTIFICATE
DENYING LEAVE

Manuel Colon,

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 orders of the Supreme Court, New York County, entered on or about January 17, 2013, is denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: April 15, 2013
New York, New York

ENTERED: APR 25 2013

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-5670
New York Co.
Ind No. 3236/87

-against-

CERTIFICATE
DENYING LEAVE

Tyrone L. Jackson,

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 orders of the Supreme Court, New York County, entered on or about March 29, 2012 and June 28, 2012, is hereby denied.

APR 25 2013

Dated:
New York, New York

Entered: **APR 25 2013**

David B. Saxe
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,
Respondent,

-against-

David O'Kane,
Defendant-Appellant.
-----X

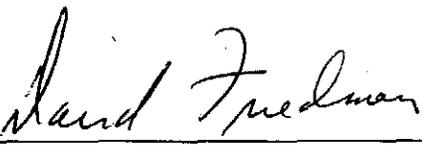
M-5474
Ind. No. 159/04

CERTIFICATE
DENYING LEAVE

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 September 18, 2012, 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
April 11, 2013

Entered: APR 25 2013



DAVID FRIEDMAN
Justice of the Appellate Division

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-601
New York Co.
Ind No. 5093/04

-against-

CERTIFICATE
DENYING LEAVE

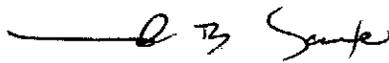
Sergio Parra,

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, New York County, entered on or about October 4, 2012, is hereby denied.

Dated: **APR 25 2013**
New York, New York

Entered: **APR 25 2013**


Justice of the Appellate Division

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 - 1699
Ind. No. 3606/09

-against-

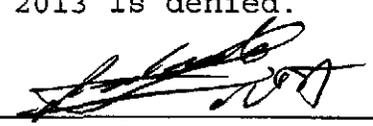
CERTIFICATE
DENYING LEAVE

Cesar Zuniga,

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 orders of the Supreme Court, New York County, entered on or about January 24, 2013 is denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: April 15, 2013
New York, New York

ENTERED: APR 25 2013