

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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Peter Tom  
Ellen Gesmer  
Anil C. Singh, Justices.

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

Ex Rel., Raymond Normoyle,  
Petitioner-Appellant,

-against-

Warden, New York City Department of  
Corrections, et al.,

Respondent-Respondent.  
-----X

**M-4500**  
Index No. 340215/18

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 June 20, 2018, 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief on all parties to the appeal and files an original and five hard copies of such brief, and if represented by counsel, one digital copy, together with the original record pursuant to section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with the payment of the required fee for subpoena and filing of the record. The motion is otherwise denied.

ENTERED:



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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 November 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4357  
Ind. No. 3183/01

Andre Smith,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 8, 2018, and for leave to prosecute the appeal as a poor person, 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 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4438

Ind. No. 1898/17

Jose Solano,  
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 October 5, 2017, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal filed February 8, 2018 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> 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 180 days from the date of receipt of the complete record.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----x

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

-against-

M-4493  
Ind. No. 1304/09

David Snipes,  
Defendant-Respondent-Appellant.

-----x

Consolidated appeals and cross appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 28, 2016, and from a judgment of **resentence** of said Court, rendered on or about April 19, 2016, and an appeal having been taken to this Court by defendant-appellant from the judgment of conviction rendered on or about March 23, 2010; and defendant-appellant having taken separate appeals from orders of the same court and Justice, entered on or about October 27, 2017 and a second judgment of **resentence**, dated December 12, 2017,

And defendant-respondent-appellant having moved for an enlargement of time to perfect the consolidated appeals and cross appeals,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant dated October 2, 2018, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Cynthia S. Kern  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-4535**

Ind. No. 2353/14

Tyrone Winston,

Defendant-Appellant.

-----X

Defendant-appellant having moved for permission to file a pro se supplemental brief on the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 21, 2016,

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

It is ordered that the motion is granted to the extent of directing the defendant-appellant to serve one copy upon the District Attorney of said Court and file an original and five hard copies (22 NYCRR 1250.9) of his pro se supplemental brief for the April 2019 Term, to which term the appeal is adjourned. The Clerk of the court is directed to forward the transcript of the proceedings to defendant-appellant at his place of incarceration and to advise the defendant-appellant that the appeal will not be heard until the minutes are returned to the Clerk's Office of this Court.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rosalyn H. Richter, Justice Presiding,  
Sallie Manzanet-Daniels  
Barbara R. Kapnick  
Peter H. Moulton, Justices.

-----x  
Michael Schwartzbard,  
Plaintiff-Respondent-Appellant,

-against-

Marshall S. Cogan,  
Defendant-Appellant-Respondent.

M-4317  
M-4570  
Index No. 161674/13

-----x

An appeal and cross appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 26, 2017,

And plaintiff-respondent-appellant having moved for dismissal of the aforesaid appeal (M-4317),

And defendant-appellant-respondent having cross-moved for an enlargement of time to perfect the appeal (M-4570),

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

Ordered that the cross motion is granted to the extent of enlarging the time to perfect the appeal and cross appeal to the February 2019 Term (M-4570). The motion to dismiss the appeal is granted should the appeal not be perfected for the said February 2019 Term (M-4317). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiff serves a copy of this order upon defendant within 10 days of the date of entry hereof.

ENTERED:

  
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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 November 8, 2018.

Present - Hon. Judith J. Gische, Justice Presiding,  
Troy K. Webber  
Jeffrey K. Oing  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

In the Matter of a Guardianship/  
Visitation Proceeding Under Article 6  
of the Family Court Act.

- - - - -

Brittany L. McL.,  
Petitioner-Respondent,

**CONFIDENTIAL**  
M-3455  
Action No. 1

-against-

Docket No. G-38633/16

Walter D.,  
Respondent-Appellant,

Administration for Children's Services,  
Respondent-Respondent,

- - - - -

Dawne A. Mitchell, Esq.,  
Juvenile Rights Division,  
The Legal Aid Society  
Attorney for the Child.

-----X

In the Matter of a Guardianship/  
Visitation Proceeding Under Article 6  
of the Family Court Act.

- - - - -

Walter D.,  
Petitioner-Appellant,

Action No. 2

-against-

Docket No. V-39015/15

Administration for Children's Services,  
Respondent-Respondent,

- - - - -

Dawne A. Mitchell, Esq.,  
Juvenile Rights Division,  
The Legal Aid Society  
Attorney for the Child.

-----X

Appeals having been taken to this Court by respondent-appellant/petitioner-appellant Walter D., from two orders of the Family Court, New York County, both entered on or about February 23, 2017 in Action No. 1: (Docket No. G-38633/16) and Action No. 2:(Docket No. V-39015/15), which appeals were consolidated by order of this Court entered August 8, 2017 (M-2923),

And Dawne A. Mitchell, Esq. (Sara H. Reisberg, Esq. of counsel), the attorney for the subject child, having moved on said child's behalf, for dismissal of the consolidated appeals, and 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 that the consolidated appeals are dismissed as moot.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

**CONFIDENTIAL**

M-4212

Maxine B.,  
Petitioner-Respondent,

Docket No. O-04083/18

-against-

Richard C.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from an order of the Family Court, Bronx County, entered on or about July 31, 2018, 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 the certification of Craig S. Marshall, Esq., dated August 1, 2018, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 112 Madison Avenue, 8<sup>th</sup> Floor, New York, NY 10016, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the 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.

(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 Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

**CONFIDENTIAL**

M-4878

- - - - -

Docket No. O-04083/18

Maxine B.,  
Petitioner-Respondent,

-against-

Richard C.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about July 31, 2018, 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 the certification of Katherine Tracey, Esq., dated August 2, 2018, 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11589, Telephone No. 516-374-1962, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the appellant and an original and five hard copies and, if represented by counsel, one digital copy thereof, are filed with this Court pursuant to 22 NYCRR 1250.9.

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

-----X

In the Matter of  
Michelle, F.,  
Crisnell, F.,  
Hansel F.,  
and Jade V.,

**CONFIDENTIAL**

M-4213

Docket Nos. NA-22560/17

Children Under 18 Years of Age

NA-22561/17

Alleged to be Abused and/or Neglected

NA-22562/17

Under Article 10 of the Family Court

NA-22563/17

Act.

- - - - -

Administration for Children's Services,  
Petitioner-Respondent,

Fermin V.,  
Respondent,

Dennis V.,  
Respondent-Appellant.

- - - - -

Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children  
(except for Jade V.),

Aleza Ross, Esq.,  
Attorney for Child Jade V.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, Bronx County, entered on or about June 27, 2018 and July 3, 2018, 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 P. Forbes, Esq., 155-03 Jamaica Avenue, Jamaica, NY 11432, Telephone No. (718) 791-8444, 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) appellant is directed to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the Matter of  
Michelle, F.,  
Crisnell, F.,  
Hansel F.,  
and Jade V.,

**CONFIDENTIAL**

M-4214

Docket Nos. NA-22560/17

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

NA-22561/17  
NA-22562/17  
NA-22563/17

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

Fermin V.,  
Respondent,

Dennis V.,  
Respondent-Appellant.

- - - - -

Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children  
(except for Jade V.),

Aleza Ross, Esq.,  
Attorney for Child Jade V.

-----X

Melinda Oliver, Esq., Family Court attorney for the Child Jade V. having moved on the child's behalf for leave to respond, as a poor person, to the appeal taken from orders of the Family Court, Bronx County, entered on or about June 27, 2018 and July 3, 2018, 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, Aleza Ross, Esq., 31 Oak Street, Suite 26, Patchogue, New York, 11772, Telephone No. 631-361-6900, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal on a reproduced appellant's brief, on condition that one copy of such brief be served upon the attorney for each party to the appeal and an original and five hard copies, and if represented by counsel, one digital copy, are filed with this Court.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

- - - - -  
Margaret Michele Waldman S.,  
Petitioner-Appellant,

**CONFIDENTIAL**  
M-4882  
Docket No. V-4110/18

-against-

Richard Allen M.,  
Respondent-Respondent.

- - - - -  
Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child,

-----X  
Respondent-respondent father, Richard Allen M., having moved for leave to respond, as a poor person, to the appeal from an order of the Family Court, New York County, entered on or about May 9, 2018, 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, the certification of David Goldstein, Esq., dated August 10, 2018 and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to §1120 of the Family Court Act, Randall Carmel, Esq., 410 Jericho Turnpike, Suite 302, Jericho, New York, 11753, Telephone No. 603-313-1951, as counsel for purposes of responding to the appeal; (2) permitting movant to

respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and an original and five hard copies and, if represented by counsel, one digital copy thereof are filed with this Court.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

In the matter of,  
Donnisha S.,

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

**Confidential**

**M-4964**

Docket No. NN-27941/16

Commissioner of the Children's services  
of The City of New York,

Petitioner-Appellant,

-against-

Lori W.,  
Respondent-Respondent.

-----  
Dawne A. Mitchell, Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X

An appeal having been taken from an Order of the Family Court, Bronx County, entered on or about March 16, 2017,

Now, upon reading and filing the stipulation of the parties hereto, dated August 8, 2018, and due deliberation having been had thereon,

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

ENTERED:

  
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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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Roselyn H. Richter, Justices.

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

Respondent,

-against-

**M-4612**

Ind. No. 2273/16

Mohammed Kone,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 19, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 19, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-4615**

Ind. No. 2712/17

Zheon Assef,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about December 21, 2017, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about December 21, 2017,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-4615)

-2-

November 8, 2018

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-4623**  
SCI. No.16/17

Naomi Monterola,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about January 9, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 9, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

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

Respondent,  
  
-against-

**SEALED**  
**M-4726**  
Ind. No. 1885/16

Tyquan D.,

Defendant-Appellant.  
-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 6, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 6, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-4727**

Ind. No. 1188/16

Santino Guerra,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 16, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County rendered on or about February 16, 2018 and judgment of re-sentence rendered on or about February 22, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

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

Respondent,

-against-

**M-4729**

SCI. No. 16/18

Khaceim Gilliard,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 16, 2018, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 16, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-4739**

Ind. No. 2861/16

Leighton Foy,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 20, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 20, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-4740**

Ind. No. 2293/17

Thaddeus Russell,

Defendant-Appellant.

-----X

An order of the Supreme Court, Bronx County, having been entered on or about January 30, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 30, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta,                    Presiding Justice,  
                  David Friedman  
                  John W. Sweeny, Jr.  
                  Dianne T. Renwick  
                  Rosalyn H. Richter,                    Justices.

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

Respondent,  
  
-against-

**SEALED**  
**M-4742**  
Ind. No. 3769/16

Naquan H.,

Defendant-Appellant.  
-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 22, 2018, inter alia, granting defendant poor person relief with respect to the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 22, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Rosalyn H. Richter, Justices.

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

Respondent,

**SEALED**

**M-4725**

-against-

Ind. No. 3305/15

Samy F.,

Defendant-Appellant.  
-----X

An order of the Supreme Court, Bronx County, having been entered on or about February 2, 2018, inter alia, granting defendant poor person relief with respect to the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 2, 2018,

Now, upon reading and filing the order which granted defendant poor person relief on appeal, and the notice of appeal filed on defendant's behalf,

It is ordered that the appeal is permitted 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
Sallie Manzanet-Daniels  
Troy K. Webber  
Anil C. Singh, Justices.

-----X  
In the Matter of

Baby Boy W.,

**CONFIDENTIAL**  
**M-4092**

A Child under 18 Years Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act and Article 6 of the Social Services Law of the State of New York.

Docket. No. N-42965/13

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

Jessica W.,  
Respondent-Appellant.

-----  
Dawne A. Mitchell, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Child.

-----X

Appeals having been taken from orders of the Family Court, New York County, entered on or about January 6, 2014, January 29, 2015, and September 10, 2015,

And, by orders entered July 10, 2014 (M-611), April 28, 2015 (M-1109) and December 29, 2015 (M-5373), this Court having granted respondent-appellant's motions for poor person relief and having assigned Tennille M. Tatum Evans, Esq. to prosecute the aforesaid appeals,

And, the appeals having been perfected and adjourned by stipulation to the January 2019 Term,

And respondent-appellant having moved, prose, in the nature of a writ of error coram nobis, for an order finding that she has received ineffective assistance from her assigned appellate counsel, assigning her new appellate counsel, and for poor person and other relief, purportedly pursuant to Article 78 of the Civil Practice Law and Rules,

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

It is ordered that the motion is denied in its entirety.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Judith J. Gische  
Marcy L. Kahn  
Anil C. Singh  
Peter H. Moulton, Justices.

-----X

Iykeland Ricketts, et al.,

Claimants-Appellants,

-against-

M-4002  
Claim No. 124046

State of New York,

Defendant-Respondent.

-----X

Claimant-appellant Iykeland Ricketts 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 July 10, 2018 (Appeal No. 7077),

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

It is ordered that the motion is denied.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x  
Scott Halfacre,  
Plaintiff-Respondent,

-against-

M-4556  
Index No. 307969/09

JMK General Contractors, Inc., et al.,  
Defendants-Respondents,

-and-

Bronx-Lebanon Hospital Center,  
Defendant-Appellant.

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

-----x

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the March 2019 Term.

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----x

Liberty on Warren LLC, et al.,  
Plaintiffs-Appellants,

-against-

Dragon Estates Condo, et al.,  
Defendants-Respondents.

-----x

M-4665  
M-4671  
Index No. 650530/15

Plaintiffs-appellants having moved for a further enlargement of time to perfect consolidated appeals taken from orders of the Supreme Court New York County, entered on or about June 21, 2016 and on or about August 18, 2017, (M-4665),

And defendant-respondent Martine Kera, pro se, having cross moved for leave to file a supplemental record, to include documents from another action (M-4671),

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 (M-4665) is granted to the extent of enlarging the time to perfect the consolidated appeals to the February 2019 Term, with no further enlargements to be granted, and it is further

(M-4665/M-4671)

-2-

November 8, 2018

Ordered that the cross motion (M-4671) for leave to file a supplemental record is denied.

ENTERED:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S".

---

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 November 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Said Hakim and Said Hakim on behalf  
of Ranell Freeze Company,  
Plaintiffs-Respondents,

-against-

M-4678  
Index No. 603000/05

Kamran Hakim,  
Defendant-Appellant,

Masud Hakim and Ranell Freeze Company,  
Defendants.

-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about August 21, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2019 Term.

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Marcy L. Kahn  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X  
Constantine S.,

Plaintiff-Respondent,

-against-

**CONFIDENTIAL**

M-4632

Index No. 302534/08

Alina Dulimof S.,  
Defendant-Appellant.

-----X

Defendant-appellant having taken an appeal from an order of the Supreme Court, New York County, entered on or about July 24, 2018, and from a order of the same Court and Justice, entered on or about October 27, 2017,

And an order of this Court having been entered on February 1, 2018 (M-6012) granting defendant-appellant civil poor person relief with respect to the appeal taken from the October 27, 2017 order, permitting the appeal to be heard on the original record and a reproduced defendant-appellant's brief, and permitting defendant-appellant to dispense with payment of the required fee for the subpoena and filing of the record,

And defendant-appellant, pro se, having moved to consolidate the appeals and for poor person relief with respect to her appeal from the July 24, 2018 order,

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

Ordered that the civil poor person relief previously granted defendant by order of this Court, entered February 1, 2018 (M-6012), with respect to the appeal the appeal from the October 27, 2017 order is extended to cover the appeal from the July 24, 2018 order, and it is further



Ordered that the appeals are deemed consolidated as of right pursuant to 22 NYCRR 1250.5(f)(3). Defendant is permitted to prosecute the consolidated appeals upon an original and five hard copies and, if represented by counsel, one digital copy, of one appellant's brief covering the consolidated appeals, with one copy of such brief served upon the attorney for each party to the appeal, together with the original record, pursuant to Section 1250.9 of the Rules of the Appellate Division. The time to perfect the consolidated appeals is, sua sponte, enlarged to the February 2019 Term.

ENTERED:

  
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 November 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-4456

Ind. No. 2093/17

Francisco German,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 15, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Christina Swarns, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. David Friedman, Justice Presiding,  
Barbara R. Kapnick  
Troy K. Webber  
Jeffrey K. Oing  
Peter H. Moulton, Justices.

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

-against-

M-4639  
Ind. No. 4432/17

Feng Chen,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 6, 2018 (M-2713), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 14, 2018, under Indictment No. 4432/17, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include an appeal from a judgment of **resentence** of the same court, rendered September 6, 2018, under Indictment No. 4432/17, and for an enlargement of time within which to perfect said appeal,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order (M-2713), to include the judgment of **resentence** under Indictment No. 4432/17, and extending the poor person relief previously granted to cover same. The time within which defendant-appellant shall perfect the appeal is hereby enlarged to the April 2019 Term.

ENTERED:

  
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 November 8, 2018.

Present - Hon. John W. Sweeny Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

R&R Capital LLC and  
FTP Capital, LLC

Plaintiffs-Appellants,

-against-

**M-4522**

Index No. 604080/18

Linda Merritt, also known as  
Lyn Merritt

Defendant-Respondent.

-----X

Defendant-respondent having moved for an order granting her leave to file a supplemental record and to adjourn the appeal taken from an order of the Supreme Court, New York County, entered on or about April 12, 2017,

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

It is ordered that the motion is denied. The Clerk is directed to maintain the appeal on the December 2018 Term.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

PRESENT: Hon. John W. Sweeny Jr., Justice Presiding,  
Sallie Manzanet-Daniels  
Judith J. Gische  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X

Mt. Hawley Insurance Company, 537  
West 27th Street Owners, LLC,  
Chatworth Builders, LLC, and  
Selective Insurance Company of  
America,

**M-4972**  
Index No. 156663/14

Plaintiffs-Respondents,

-against-

American States Insurance Company,

Defendant-Appellant,

J&R Glassworks, Inc.,

Defendant.

-----X

Defendant-appellant having moved for a stay of a hearing scheduled for November 13, 2018 in Supreme Court, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 6, 2017,

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

It is ordered that the motion is granted and the stay granted by an order of a Justice of this Court, entered on October 2, 2018, is hereby continued pending the hearing and determination of the appeal. The Clerk of this Court is directed to maintain the appeal for the December 2018 Term.

ENTERED:



---

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 November 8, 2018.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Judith J. Gische  
Angela M. Mazzarelli  
Troy K. Webber  
Marcy L. Kahn, Justices.

-----X

The Board of Managers of the Colonnade Condominium,  
Plaintiff-Respondent,

M-4137  
Index No. 655411/17

-against-

32F at 347 West 57th Street, LLC.,  
Defendant-Appellant.

-----X

Purported appeals having been taken to this Court by defendant-appellant from orders of the Supreme Court, New York County, entered on or about August 17, 2017, April 20, 2018, June 1, 2018, and July 6, 2016,

And defendant-appellant having moved for a stay of a contempt hearing pending the hearing and determination of the appeals, and the parties, by stipulation dated September 14, 2018, having consented to the requested stay pending a stipulation of the parties or further order of this Court,

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 stay of the contempt hearing by a Justice of this Court, entered on August 16, 2018, is continued, pending further order of this Court. Sua sponte, the notices of appeal of defendant-appellant are deemed motions for leave to appeal to this Court and, as such, are granted. Defendant-appellant is directed to perfect the appeals for the February 2019 Term.

ENTERED:

  
CLERK





(M-4477)

-2-

November 8, 2018

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK









(M-4385)

-2-

November 8, 2018

Justine M. Luongo, 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 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

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

Respondent,  
  
-against-

M-4474  
Ind. No. 3572/16

Christian Manley,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file an untimely notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 3, 2018, 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 an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

(M-4474)

-2-

November 8, 2018

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

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

Respondent,  
  
-against-

M-4531  
Ind. No. 3869/15

Wilbur Irick,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 7, 2017, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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



(M-4531)

-2-

November 8, 2018

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of filing of the complete record.

ENTERED:

  
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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

-----x

Domingo Feliz Terc,  
Plaintiff-Appellant-Respondent,

-against-

M-4528  
Index No. 302163/16

535 Coster Realty, Inc.,  
Defendant-Respondent-Appellant.

-----x

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about May 7, 2018,

And defendant having moved for an order permitting it to file a late notice of 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 defendant is permitted to file a late notice of cross appeal, nunc pro tunc, to June 19, 2018 (CPLR 5513[c]; CPLR 5520[a]).

ENTERED:

  
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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Rosalyn H. Richter  
Marcy L. Kahn  
Ellen Gesmer  
Anil C. Singh, Justices.

-----X  
Country-Wide Ins. Co., Country-Wide  
Insurance Company, doing business as,  
Country-Wide Management Services,

Plaintiffs-Respondents,

-against-

M-4631  
Index No. 106110/11

Power Supply, Inc.,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for a further enlargement of time to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about July 31, 2017,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2019 Term.

ENTERED:

  
\_\_\_\_\_  
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 November 8, 2018.

Present - Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

-----x

The People of the State of New York,  
Respondent,

-against-

M-5427  
Ind. No. 452/15

Roderick Prude,  
Defendant-Appellant.

-----x

A decision and order of this Court having been entered in this matter on October 9, 2018 (Appeal No. 7271),

Now, upon the Court's own motion,

It is ordered that the aforesaid decision and order is hereby recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 7271, 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 November 8, 2018.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,  
Sallie Manzanet-Daniels  
Angela M. Mazzarelli  
Troy K. Webber  
Anil C. Singh, Justices.

-----x  
CWCapital Cobalt VR Ltd.,  
Plaintiff-Appellant,

-against-

CWCapital Investments LLC, M-4351  
CWCapital Asset Management LLC, M-4386  
Defendants-Respondents, Index No. 653277/18

-and-

CWFS-REDS, LLC,  
Defendant.

-----x  
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 2, 2018, and said appeal having been perfected,

And plaintiff-appellant having moved, pursuant to CPLR 5518, for a preliminary appellate injunction enjoining defendants from selling commercial assets held by Wachovia Commercial Mortgage Securities Commercial Trust 2005-C17, Wachovia Commercial Mortgage Securities Commercial Trust 2007-C30 or Deutsche Mortgage & Asset Receiving Corporation Trust 2005-LP5 over the objection of its Controlling Class Representative or Directing Holder, Carbolic LLC, pending hearing and determination of the aforesaid appeal (M-4351),

And plaintiff-appellant having moved separately to enlarge the record on appeal with documents attached as exhibits 2-7 to a certain affirmation submitted in support of the motion (M-4386),

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

It is ordered that the motions seeking a preliminary appellate injunction (M-4351) and to enlarge the record on appeal (M-4386) are denied in their entirety. The Clerk is directed to maintain the appeal on the calendar for the December 2018 Term of this Court.

ENTERED:

  
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 November 8, 2018.

PRESENT: Hon. Rolando T. Acosta, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-5136  
Ind. No. 3217/08

Willi Adames,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about January 27, 2016, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files an original, five hard copies and, if represented by counsel, one digital copy of such brief, together with the original record, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28<sup>th</sup> Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 180 days from the date of receipt of the complete record.

ENTERED:

  
CLERK



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,

CONFIDENTIAL

M-4537  
Ind. No. 5973/2009

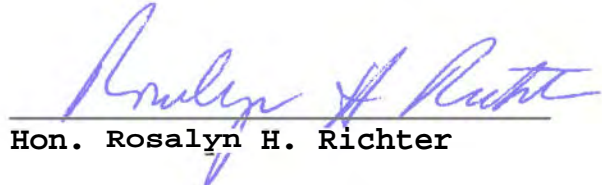
-against-

CERTIFICATE  
DENYING LEAVE

Jeremy Fulton,

Defendant,  
----- X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 April 11, 2018, is hereby denied.

  
Hon. Rosalyn H. Richter

Dated: October 16, 2018  
New York, New York

ENTERED:

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

BEFORE: Hon. Troy K. Webber  
Justice of the Appellate Division

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

M-4515  
Ind. No. 3183/01

-against-

CERTIFICATE  
GRANTING LEAVE

Andre Smith,  
Defendant-Appellant.

-----X

I, Troy K. Webber, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Daniel P. Conviser, J.), entered on or about November 16, 2017.<sup>1</sup>

Dated: ~~October 22, 2018~~  
New York, New York

ENTERED

NOV 08 2018

  
\_\_\_\_\_  
Hon. Troy K. Webber  
Associate Justice

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

<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.