

**DAY CALENDAR**  
**Tuesday, October 18, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

885.0  
KA 15-00934

**PEOPLE**  
**V**  
**LESTER M. STREETER**

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.

JOSEPH G. FRAZIER for LESTER M. STREETER Submitted

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK Submitted

886.0  
KA 15-00838

**PEOPLE**  
**V**  
**KELLY L. MARSHALL**

Appeal from a judgment of the Oneida County Court (Barry M. Donalty, J.), rendered December 4, 2013. The judgment convicted defendant, upon her plea of guilty, of murder in the second degree and robbery in the first degree.

PATRICK J. MARTHAGE for KELLY L. MARSHALL Submitted

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK Submitted

887.0  
KA 14-00529

**PEOPLE**  
**V**  
**JOSUE GONZALES**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered November 26, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and criminal possession of a weapon in the second degree.

PIOTR BANASIAK for JOSUE GONZALES 10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

888.0  
KA 14-02278

**PEOPLE**  
**V**  
**JON T. MAGLIOCCO**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 3, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sexual act in the third degree.

CAITLIN M. CONNELLY for JON T. MAGLIOCCO Submitted

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK Submitted

889.0  
KA 14-01732

**PEOPLE**  
**V**  
**DESHAWN E. LARKIN**

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered August 21, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

	KRISTIN M. PREVE for DESHAWN E. LARKIN	Submitted
	JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
890.0 KA 15-00933	<b>PEOPLE</b> V <b>LESTER M. STREETER</b>	
	Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.	
	JOSEPH G. FRAZIER for LESTER M. STREETER	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
891.0 KA 13-00172	<b>PEOPLE</b> V <b>DONALD J. GARDNER</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 1, 2012. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the second degree.	
	JANET C. SOMES for DONALD J. GARDNER	5 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
892.0 KA 14-01830	<b>PEOPLE</b> V <b>BRIAN L. SMITH</b>	
	Appeal from a judgment of the Supreme Court, Genesee County (Eric R. Adams, A.J.), rendered June 25, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree.	
	MICHAEL STEINBERG for BRIAN L. SMITH	10 minutes
	WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
893.0 KA 15-00094	<b>PEOPLE</b> V <b>BRIAN L. SMITH</b>	
	Appeal from a judgment of the Supreme Court, Genesee County (Eric R. Adams, A.J.), rendered June 25, 2014. The judgment convicted defendant, upon his plea of guilty, of aggravated family offense.	
	MICHAEL STEINBERG for BRIAN L. SMITH	Submitted
	WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
894.0 KA 14-00900	<b>PEOPLE</b> V <b>TERRENCE REDFIELD</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered August 28, 2013. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.	
	JAMES A. HOBBS for TERRENCE REDFIELD	10 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes

895.0 KAH 15-00416	<p><b>PEOPLE EX REL. RICHIE STOKES</b> V <b>THE DIVISION OF PAROLE</b></p> <p>Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (James P. Punch, A.J.), entered November 19, 2014 in a habeas corpus proceeding. The judgment denied the petition</p> <p><b>ALAN WILLIAMS for RICHIE STOKES</b></p> <p><b>KATE H. NEPVEU for THE DIVISION OF PAROLE</b></p>	<p>5 minutes</p> <p>Submitted</p>
896.0 CAF 14-01978	<p><b>ROBERT E. TROMBLEY, JR.</b> V <b>KRISTIN S. PAYNE</b></p> <p>Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered October 2, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that respondent shall pay a fine for three separate events constituting civil contempt.</p> <p><b>KELIANN M. ARGY for KRISTIN S. PAYNE</b></p> <p><b>MICHAEL STEINBERG for ROBERT E. TROMBLEY, JR.</b></p> <p><b>FARES A. RUMI, ATTORNEY FOR CHILD</b></p>	<p>5 minutes</p> <p>5 minutes</p> <p>10 minutes</p>
897.0 CAF 15-00634	<p><b>ROBERT E. TROMBLEY, JR.</b> V <b>KRISTIN S. PAYNE</b></p> <p>Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered March 17, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that Robert E. Trombley, Jr. have sole custody of the subject children.</p> <p><b>KELIANN M. ARGY for KRISTIN S. PAYNE</b></p> <p><b>MICHAEL STEINBERG for ROBERT E. TROMBLEY, JR.</b></p> <p><b>FARES A. RUMI, ATTORNEY FOR CHILD</b></p>	<p>Submitted</p> <p>Submitted</p> <p>Submitted</p>
898.0 CA 15-00861	<p><b>ALFREDO MARQUEZ</b> V <b>STATE OF NEW YORK</b></p> <p>Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered April 15, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, directed the continued confinement of petitioner.</p> <p><b>PATRICK T. CHAMBERLAIN for ALFREDO MARQUEZ</b></p> <p><b>KATHLEEN M. ARNOLD for STATE OF NEW YORK</b></p>	<p>15 minutes</p> <p>10 minutes</p>
899.0 CA 16-00357	<p><b>ROSEMARY WHITE</b> V <b>ROMAN CATHOLIC CHURCH OF BOWMANVILLE</b></p> <p>Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 20, 2015. The order denied the motion of plaintiff to restore the action to the trial calendar.</p>	

	ANGELO S. GAMBINO for ROSEMARY WHITE	10 minutes
	THOMAS J. SPEYER for ROMAN CATHOLIC CHURCH OF BOWMANSVILLE	15 minutes
900.0 CA 15-01753	<b>GROTON COMMUNITY HEALTH CARE CENTER</b> V <b>PHILLIP BEVIER</b>	
	Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered December 9, 2014. The order awarded petitioner a judgment as against respondent in the sum of \$44,601.70 with legal fees in the sum of \$3,500.00.	
	JOHN A. CIRANDO for PHILLIP BEVIER	10 minutes
	JOSEPHINE YANG-PATYI for GROTON COMMUNITY HEALTH CARE CTR.	10 minutes
901.0 CA 15-02035	<b>LUCIA TERCILIO</b> V <b>FREDDY POLL-DELGADO</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered July 23, 2015. The order granted the motion of defendant for summary judgment dismissing the complaint and denied the cross motion of plaintiff for summary judgment.	
	JOSE E. PEREZ for LUCIA TERCILIO	15 minutes
	DANIEL KENNETH CARTWRIGHT for FREDDY POLL-DELGADO	10 minutes
902.0 CA 16-00082	<b>ANTONIO JACKSON</b> V <b>CITY OF BUFFALO</b>	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 8, 2015. The order denied the motion of third-party defendant for summary judgment dismissing the third-party complaint.	
	JOAN M. RICHTER for TANEKA JACKSON	15 minutes
	CARMEN JAMES GENTILE for CITY OF BUFFALO	10 minutes
903.0 CA 16-00317	<b>ALBERTO FRASSETTO ENTERPRISES</b> V <b>HARTFORD FIRE INSURANCE COMPANY</b>	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered July 16, 2015. The order denied defendant's motion for summary judgment dismissing plaintiff's complaint.	
	BRIAN R. BIGGIE for HARTFORD FIRE INSURANCE COMPANY	10 minutes
	JOHN D. CELANI for ALBERTO FRASSETTO ENTERPRISES	10 minutes
904.0 CA 15-00868	<b>MELVIN WALLS</b> V <b>STATE OF NEW YORK</b>	
	Appeal from an order of the Supreme Court, Oneida County (Joseph E. Fahey, A.J.), entered April 29, 2015 in a proceeding pursuant to Mental Hygiene Law article 10. The order denied the motion of petitioner to vacate an order for continued confinement.	

**PATRICK T. CHAMBERLAIN for MELVIN WALLS** **10 minutes**

**KATHLEEN M. ARNOLD for STATE OF NEW YORK** **10 minutes**

**905.0**  
**CA 15-02008**

**CAROLYN MERRILL, CPA**  
**V**  
**ROMEO'S RESTAURANT OF ROCHESTER, INC.**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered July 21, 2015. The order and judgment dismissed with prejudice any and all counterclaims asserted against plaintiff.

**THOMAS J. RZEPKA for ROMEO'S RESTAURANT OF ROCHESTER, INC.** **10 minutes**

**CHARLES C. SWANEKAMP for CAROLYN MERRILL, CPA** **10 minutes**

**906.0**  
**CA 15-01869**

**DAWUD H.**  
**V**  
**STATE OF NEW YORK**

Appeal from a judgment of the Court of Claims (Christopher J. McCarthy, J.), entered September 17, 2015. The judgment dismissed the claim.

**JAMES BOGIN for DAWUD H.** **Submitted**

**ROBERT M. GOLDFARB for STATE OF NEW YORK** **Submitted**