

**DAY CALENDAR**  
**Wednesday, October 26, 2016 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1018.0  
TP 16-00258

**MAURICE JONES**  
V  
**ANTHONY J. ANNUCCI**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered February 16, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

**MAURICE JONES for HIMSELF** Submitted

**MARCUS J. MASTRACCO for ANTHONY J. ANNUCCI** Submitted

1019.0  
TP 16-00131

**RALPH DOMINQUEZ**  
V  
**ANTHONY ANNUCCI**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered January 25, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

**LEAH R. NOWOTARSKI for RALPH DOMINQUEZ** Submitted

**MARCUS J. MASTRACCO for ANTHONY ANNUCCI** Submitted

1020.0  
TP 16-00116

**JERRY GILLARD**  
V  
**ANTHONY ANNUCCI**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered January 14, 2016) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated an inmate rule.

**LEAH R. NOWOTARSKI for JERRY GILLARD** Submitted

**MARCUS J. MASTRACCO for ANTHONY ANNUCCI** Submitted

1021.0  
KA 15-00042

**PEOPLE**  
V  
**TIFFANY J. ERNST**

Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered December 16, 2014. The judgment convicted defendant, upon her plea of guilty, of burglary in the third degree and petit larceny.

**DAVID P. ELKOVITCH for TIFFANY J. ERNST** Submitted

**BRIAN THOMAS LEEDS for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

1022.0  
KA 15-00925

PEOPLE  
V  
MICHAEL A. HEWITT

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered March 20, 2015. The judgment convicted defendant, upon a jury verdict, of criminal obstruction of breathing (two counts) and assault in the third degree.

JOSEPH G. FRAZIER for MICHAEL A. HEWITT

Submitted

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

Submitted

1023.0  
KA 14-01612

PEOPLE  
V  
JIBRAUN M. MOSTILLER

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered July 16, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

BARBARA J. DAVIES for JIBRAUN M. MOSTILLER

10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1024.0  
KA 15-01680

PEOPLE  
V  
MICHAEL A. HEAD

OVER THE TERM

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered July 8, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts).

LEAH NOWOTARSKI for JERRY T. SADDLER, JR.

VINCENT A. HEMMING for THE PEOPLE OF THE STATE OF NEW YORK

1025.0  
KA 14-01504

PEOPLE  
V  
RAYSHAWN BETHANY

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered July 28, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

BENJAMIN L. NELSON for RAYSHAWN BETHANY

10 minutes

KATHARINE S. LAVIN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

1026.0  
KA 14-00698

PEOPLE  
V  
WILLIAM PLUME

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Cattaraugus County Court (Ronald D. Ploetz, J.), entered February 19, 2014. The order denied the motion of defendant to set aside his sentence pursuant to CPL 440.20.

	NICHOLAS P. DIFONZO for WILLIAM PLUME	10 minutes
	LORI PETTIT RIEMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
1027.0 KA 14-01324	<b>PEOPLE</b> V <b>SCOTT WENDEL</b>	
	Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered February 25, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree,	
	TIMOTHY P. MURPHY for SCOTT WENDEL	10 minutes
	ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
1028.0 CAF 14-01924	<b>TORRENCE P. CURRY</b> V <b>LATOYA D. REESE</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered October 3, 2014 in a proceeding pursuant to Family Court Act article 6. The order granted the petition for modification and awarded petitioner sole custody of the subject child.	
	ELIZABETH J. CIAMBRONE for LATOYA D. REESE	Submitted
	CHARLES J. MARCHESE for TORRENCE P. CURRY	Submitted
	ALVIN M. GREENE, ATTORNEY FOR CHILD	5 minutes
1029.0 CAF 15-00843	<b>PAULA L. GIBBS</b> V <b>ROBERT LEE GIBBS</b>	
	Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered April 13, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objection to the order of the Support Magistrate.	
	PAULA L. GIBBS for HERSELF	Submitted
	TIMOTHY R. LOVALLO for ROBERT LEE GIBBS	5 minutes
1030.0 CAF 15-00093	<b>In the Matter of</b> <b>KENDALLE K.</b>	
	Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered November 17, 2014 in a proceeding pursuant to Family Court Act article 6. The order, among other things, transferred guardianship and custody of the subject child to petitioner.	
	DAVID J. PAJAK for CORIN K.	Submitted
	ERIC R. ZIOBRO for ERIE CO. DSS	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	Submitted
1031.0 CAF 15-00547	<b>JEREMY D. OTROSINKA</b> V <b>CHRISTIAN HAGEMAN</b>	
	Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered March 18, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, dismissed the petition.	

	ELIZABETH J. CIAMBRONE for JEREMY D. OTROSINKA	Submitted
	CHRISTIAN HAGEMAN for HIMSELF	Submitted
	CHARLES D. HALVORSEN, ATTORNEY FOR CHILD	10 minutes
1032.0 CAF 15-00294	<b>In the Matter of TRISTYN R.</b>	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered January 9, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted custody of the subject child to Jenna W. and Trevor W.	
	LYLE T. HAJDU for JACQUELINE Z.	Submitted
	WENDY G. PETERSON for CATTARAUGUS CO. DSS	Submitted
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
1033.0 CAF 15-00564	<b>In the Matter of TRISTYN R.</b>	
	Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered March 24, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, granted custody of Addasyn R. and Tristyn R. to Jenna W. and Trevor W.	
	LYLE T. HAJDU for JACQUELINE Z.	Submitted
	GERALD J. VELLA for JENNA W.	Submitted
	MICHAEL D. BURKE, ATTORNEY FOR CHILD	Submitted
1034.0 CA 15-02041	<b>PATRICK KINGSTON V CARDINAL O'HARA HIGH SCHOOL</b>	
	Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), entered September 10, 2015. The order denied the motion of plaintiff for partial summary judgment and granted the cross motion of defendants for summary judgment.	
	ANNE M. WHEELER for PATRICK KINGSTON	10 minutes
	THOMAS JOSEPH SPEYER for CARDINAL O'HARA HIGH SCHOOL	15 minutes
	MEGHAN BROWN for THE BOYS AND GIRLS CLUB	15 minutes
1035.0 CA 16-01067	<b>ALEX MURDOCK V R&amp;P OAK HILL, DEVELOPMENT LLC.</b>	
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered September 11, 2015. The order denied in part defendant's motion for summary judgment and denied plaintiffs' cross motion for partial summary judgment.	
	ROBERT J. MARANTO, JR., for ALEX MURDOCK	15 minutes
	PATRICK J. HINES for R&P OAK HILL, DEVELOPMENT LLC.	15 minutes
1036.0 CA 16-01066	<b>RENEE WANTUCK V CITY OF BUFFALO</b>	

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered September 3, 2015. The order granted the motion of defendant for summary judgment and dismissed the complaint.

JACLYN F. SILVER for RENEE WANTUCK

10 minutes

DAVID M. LEE for CITY OF BUFFALO

Submitted

1037.0  
CA 15-01959

JAMES R. WITTMAN

V

LANCASTER CENTRAL SCHOOL DISTRICT

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered September 2, 2015. The order, insofar as appealed from, granted the motion of defendant Lancaster Central School District Board of Education and dismissed the complaint against said defendant.

BRADLEY D. MARBLE for JAMES R. WITTMAN

15 minutes

JENNA W. KLUCSIK, for LANCASTER CSD

15 minutes

1038.0  
CA 15-02019

NICHOLAS GRANTO

V

CITY OF NIAGARA FALLS

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 2, 2015 pursuant to a CPLR article 78 proceeding. The order granted the motion of respondent to dismiss and dismissed the petition.

SEAN MACKENZIE for NICHOLAS GRANTO

15 minutes

CHRISTOPHER M. MAZUR for CITY OF NIAGARA FALLS

10 minutes

1039.0  
CA 15-02020

NICHOLAS GRANTO

V

CITY OF NIAGARA FALLS

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered November 30, 2015. The order denied the motion of petitioners for renewal.

SEAN MACKENZIE for NICHOLAS GRANTO

Submitted

CHRISTOPHER M. MAZUR for CITY OF NIAGARA FALLS

Submitted