

**MOTION NO. (1671/99) KA 99-00484. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN MOORE, ALSO KNOWN AS FRANKIE, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND DEJOSEPH, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (87/02) KA 00-02959. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EVERTON HIBBERT, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., DEJOSEPH, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1472/04) KA 02-00850. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAMION SAULTERS, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (537/16) KA 14-01970. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICHARD H. MOORE, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (758/16) KA 13-01913. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICARDO CARRASQUILLO, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, NEMOYER, CURRAN, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

MOTION NO. (337/17) KA 15-01852. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONALD HOUGH, SR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CARNI, LINDLEY, AND NEMOYER, JJ. (Filed Apr. 27, 2018.)

MOTION NO. (758/17) KA 14-01239. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWN J. COFFEE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, NEMOYER, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

MOTION NO. (805/17) CA 16-02066. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT. -- Motion to vacate denied. PRESENT: WHALEN, P.J., SMITH, CARNI, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

MOTION NO. (1056/17) CA 16-01856. -- IN THE MATTER OF THE APPLICATION OF CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, PURSUANT TO ARTICLE 4 OF THE EMINENT DOMAIN PROCEDURE LAW, TO ACQUIRE TITLE TO CERTAIN REAL PROPERTY GENERALLY IDENTIFIED AS 100-08 ONONDAGA STREET

**EAST & WARREN STREET IN THE CITY OF SYRACUSE, NEW YORK AND MORE PARTICULARLY IDENTIFIED AS SBL NO. 101.-09-01.0. AMADEUS DEVELOPMENT, INC., CLAIMANT-RESPONDENT, FINANCITECH, LTD., CLAIMANT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1058/17) KA 15-00214.** -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DANTE TAYLOR, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1095/17) CA 17-00527.** -- **IN THE MATTER OF VIOLET REALTY, INC., DOING BUSINESS AS MAIN PLACE LIBERTY GROUP, PETITIONER-PLAINTIFF-APPELLANT, V COUNTY OF ERIE, MARK C. POLONCARZ, JOHN LOFFREDO, RESPONDENTS-DEFENDANTS-RESPONDENTS, ET AL., RESPONDENTS-DEFENDANTS.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1205/17) KA 11-00995.** -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWNDELL EVERSON, DEFENDANT-APPELLANT. (APPEAL NO. 1.)** -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1206/17) KA 15-01899. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWNDELL EVERSON, DEFENDANT-APPELLANT. (APPEAL NO. 2.) --**  
Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1272/17) KA 16-00562. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER SWICK, DEFENDANT-APPELLANT. (APPEAL NO. 1.) --**  
Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1273/17) KA 16-00563. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER SWICK, DEFENDANT-APPELLANT. (APPEAL NO. 2.) --**  
Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1345/17) CA 16-02320. -- DELPHI HEALTHCARE PLLC, DELPHI HOSPITALIST SERVICES LLC, WORKFIT MEDICAL, LLC, WORKFIT STAFFING LLC, AND HEALTHCARE SUPPORT SERVICES, LLC, PLAINTIFFS-RESPONDENTS, V PETRELLA PHILLIPS LLP AND THOMAS A. PETRELLA, DEFENDANTS-APPELLANTS. --** Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, AND NEMOYER, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1395/17) CA 16-02092. -- IN THE MATTER OF THOMAS FRECK, PETITIONER-PLAINTIFF-APPELLANT-RESPONDENT, V TOWN OF PORTER, TOWN OF PORTER**

ZONING BOARD OF APPEALS, TOWN OF PORTER PLANNING BOARD, ET AL.,  
RESPONDENTS-DEFENDANTS-RESPONDENTS, THOMAS FLECKENSTEIN, INDIVIDUALLY AND  
AS TRUSTEE OF THE JUDITH A. FLECKENSTEIN LIVING TRUST, JUDITH A.  
FLECKENSTEIN, INDIVIDUALLY AND AS TRUSTEE OF THE JUDITH A. FLECKENSTEIN  
LIVING TRUST, AND NIAGARA AQUACULTURE, INC.,  
RESPONDENTS-DEFENDANTS-RESPONDENTS-APPELLANTS. -- Motion for leave to  
appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI,  
LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

MOTION NO. (1444/17) CA 17-00503. -- KIMBERLY RUSSELL,  
PLAINTIFF-RESPONDENT, V HONRI V. HUNT AND DORIEN GARRETT,  
DEFENDANTS-APPELLANTS. -- Motion for leave to appeal to the Court of  
Appeals denied. PRESENT: CARNI, J.P., DEJOSEPH, CURRAN, AND WINSLOW, JJ.  
(Filed Apr. 27, 2018.)

MOTION NO. (1445/17) CA 17-01156. -- ROBERT SCHAEFER AND KIMBERLY SCHAEFER,  
PLAINTIFFS-APPELLANTS, V CHAUTAUQUA ESCAPES ASSOCIATION, INC., BOARD OF  
DIRECTORS OF CHAUTAUQUA ESCAPES ASSOCIATION, INC., AND CAMP CHAUTAUQUA,  
INC., DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal  
to the Court of Appeals denied. PRESENT: CARNI, J.P., DEJOSEPH, CURRAN,  
AND WINSLOW, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (1472/17) CA 17-00988. -- VILLAGE OF HERKIMER, PLAINTIFF-APPELLANT, VILLAGE OF ILION, ET AL., PLAINTIFFS, V COUNTY OF HERKIMER, INDIVIDUALLY, AND AS ADMINISTRATOR OF HERKIMER COUNTY SELF-INSURANCE PLAN, DEFENDANT-RESPONDENT, PMA MANAGEMENT CORP., ET AL., DEFENDANTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (15/18) CA 17-01346. -- IN THE MATTER OF LAURA VIEIRA-SUAREZ, PETITIONER-APPELLANT, V SYRACUSE CITY SCHOOL DISTRICT, RESPONDENT-RESPONDENT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (87/18) CA 17-01454. -- VICTOR GUZMAN, JR., AN INFANT, BY HIS MOTHER AND NATURAL GUARDIAN, MARISSA FOURNIER AND MARISSA FOURNIER, INDIVIDUALLY, PLAINTIFFS-APPELLANTS, V NORTH SYRACUSE CENTRAL SCHOOL DISTRICT, DEFENDANT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (142/18) TP 17-01432. -- IN THE MATTER OF JAMES ADAMS, PETITIONER, V ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK STATE**

**DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT.** -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (160/18) CA 17-00711.** -- **PATRICIA J. CURTO, PLAINTIFF-APPELLANT, V TOWN OF ORCHARD PARK, ORCHARD PARK POLICE DEPARTMENT, ORCHARD PARK POLICE OFFICER A. KOWALSKI, ORCHARD PARK POLICE OFFICER R. SIMMONS, ORCHARD PARK POLICE OFFICER J. CULLEN, REMY ORFFEO, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS.** (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, AND NEMOYER, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (161/18) CA 17-01487.** -- **PATRICIA J. CURTO, PLAINTIFF-APPELLANT, V TOWN OF ORCHARD PARK, ET AL., DEFENDANTS, AND COUNTY OF ERIE, DEFENDANT-RESPONDENT.** (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, AND NEMOYER, JJ. (Filed Apr. 27, 2018.)

**MOTION NO. (162/18) CA 17-00823.** -- **KAREN A. TRACY, PLAINTIFF-RESPONDENT, V CITY OF BUFFALO, DEFENDANT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, AND NEMOYER, JJ. (Filed Apr. 27, 2018.)

**KA 13-01860. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JULIAN A. JOVAN, DEFENDANT-APPELLANT.** Motion to dismiss granted.

Memorandum: The matter is remitted to Monroe County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (*see People v Matteson*, 75 NY2d 745 [1989]).

PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ.

(Filed Apr. 27, 2018.)

**KA 16-00231. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SARAH JAMES, ALSO KNOWN AS SARAH DINGEMAN, DEFENDANT-APPELLANT.**

Motion to dismiss granted. Memorandum: The matter is remitted to Monroe County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (*see People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA,

PERADOTTO, AND CARNI, JJ. (Filed Apr. 27, 2018.)