

**MOTION NO. (1568/06) KA 05-00836. -- THE PEOPLE OF THE STATE OF
NEW YORK, RESPONDENT, V DARRELL GUNN, DEFENDANT-APPELLANT. --**

Motion for writ of error coram nobis denied. PRESENT: LINDLEY,
J.P., SMITH, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Jan. 31,
2025.)

**MOTION NO. (462/12) KA 09-00546. -- THE PEOPLE OF THE STATE OF
NEW YORK, RESPONDENT, V ANTHONY N. ADAMS, DEFENDANT-APPELLANT. --**

Motion for writ of error coram nobis denied. PRESENT: LINDLEY,
J.P., CURRAN, OGDEN, KEANE, AND HANNAH, JJ. (Filed Jan. 31,
2025.)

**MOTION NO. (873/22) KA 21-00117. -- THE PEOPLE OF THE STATE OF
NEW YORK, RESPONDENT, V MARTHA J. JONES, DEFENDANT-APPELLANT. --**

Motion for writ of error coram nobis denied. PRESENT: WHALEN,
P.J., LINDLEY, BANNISTER, OGDEN, AND KEANE, JJ. (Filed Jan. 31,
2025.)

**MOTION NO. (51/23) KA 18-02032. -- THE PEOPLE OF THE STATE OF NEW
YORK, RESPONDENT, V TERRY L. WILLIAMS, DEFENDANT-APPELLANT. --**

Motion for writ of error coram nobis denied. PRESENT: WHALEN,
P.J., LINDLEY, MONTOUR, OGDEN, AND KEANE, JJ. (Filed Jan. 31,
2025.)

MOTION NO. (611/24) CA 23-01982. -- LIBERTY MAINTENANCE, INC.,

**PLAINTIFF-RESPONDENT, V ALLIANT INSURANCE SERVICES, INC.,
DEFENDANT-APPELLANT.** -- Motion for leave to appeal to the Court
of Appeals denied. PRESENT: LINDLEY, J.P., BANNISTER, OGDEN,
GREENWOOD, AND HANNAH, JJ. (Filed Jan. 31, 2025.)

**KA 24-00662. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,
V JOSE CONCEPCION, DEFENDANT-APPELLANT.** -- The case is held, the
decision is reserved, the motion to relieve counsel of assignment
is granted and new counsel is to be assigned. Memorandum:
Defendant appeals from a judgment convicting him of assault in
the second degree (Penal Law § 120.05 [3]) and sentencing him to
a determinate term of imprisonment of five years and five years
of postrelease supervision. Defendant's assigned appellate
counsel has moved to be relieved of the assignment pursuant to
People v Crawford (71 AD2d 38 [4th Dept 1979]).

The predicate felony statement in this matter reflects that
defendant was convicted of aggravated harassment of an employee
by an incarcerated individual, a class E felony (see Penal Law
§ 240.32), which is not a violent felony offense (see Penal Law
§ 70.02 [1] [d]). Thus, the court incorrectly found that
defendant had a prior violent felony conviction for purposes of
sentencing, and defendant was misinformed as to the minimum term
of incarceration to which he was exposed (see Penal Law § 70.06
[6] [c]). Defendant was also misinformed as to the maximum

period of postrelease supervision to which he was exposed (see Penal Law § 70.45 [2]). We therefore conclude that a nonfrivolous issue exists as to whether defendant's plea was knowing, voluntary and intelligent, and we relieve counsel of her assignment and assign new counsel to brief this issue, as well as any other issues that counsel's review of the record may disclose. (Appeal from Judgment of Wyoming County Court, Melissa L. Cianfrini, A.J. - Assault, 2nd Degree). PRESENT: WHALEN, P.J., BANNISTER, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Jan. 31, 2025.)