

**MOTION NO. (368/14) CA 13-01136. -- RYAN NICASTRO, PLAINTIFF-RESPONDENT, V
NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY, DEFENDANT-APPELLANT. --**

Motion for reargument or leave to appeal to the Court of Appeals denied.

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ. (Filed
July 11, 2014.)

**KA 11-02611. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V AMIR
KITHCART, DEFENDANT-APPELLANT.** Motion to dismiss granted. Memorandum:

The matter is remitted to Onondaga County Court to vacate the judgment of
conviction and dismiss the indictment either sua sponte or on application
of either the District Attorney or counsel for defendant (*see People v
Matteson*, 75 NY2d 745). PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND
PERADOTTO, JJ. (Filed July 11, 2014.)