

MOTION NO. (1896/89) KA 05-02532. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KEVIN J. JOHNSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., FAHEY, CARNI, WHALEN, AND DEJOSEPH, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (2000/94) KA 14-01587. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ATO D. CLYBURN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY, VALENTINO, AND DEJOSEPH, JJ. (Filed Jan. 2, 2015.)

MOTION NOS. (153-154/96) KA 05-01122. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER YOUNG, DEFENDANT-APPELLANT. KA 05-01123. -
- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER YOUNG, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND WHALEN, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (286/02) KA 97-05362. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL SPIRLES, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, SCONIERS, AND WHALEN, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (1008/08) KA 04-02863. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHARLES E. HATHAWAY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, SCONIERS, AND WHALEN, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (701/09) KA 08-00129. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V COLIN MOAR, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, VALENTINO, AND DEJOSEPH, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (995/10) KA 08-02649. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONALD BRINK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis granted. Memorandum: Defendant contends that he was denied effective assistance of appellate counsel because counsel failed to raise an issue on direct appeal, specifically, whether the court erred when it failed to comply with CPL 310.30 in regard to jury note #3. Upon our review of the motion papers, we conclude that the issue may have merit. The order of November 12, 2010 is vacated and this Court will consider the appeal de novo (*see People v LeFrois*, 151 AD2d 1046). Defendant is directed to file and serve his records and briefs with this Court on or before April 2, 2015. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (432/14) KA 12-02226. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWN GLOVER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, SCONIERS, AND WHALEN, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (874/14) CA 13-00766. -- TREMAIN CASON, PLAINTIFF-RESPONDENT, V KIRBY SY SMITH, III AND WERNER ENTERPRISES, INC., DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (877/14) CA 13-01025. -- IN THE MATTER OF NIAGARA PRESERVATION COALITION, INC., PETITIONER-PLAINTIFF-APPELLANT, V NEW YORK POWER AUTHORITY, GIL C. QUINIONES, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF NEW YORK POWER AUTHORITY, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, ROSE HARVEY, COMMISSIONER, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION AND MAID OF THE MIST CORPORATION, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (884/14) CA 14-00252. -- IN THE MATTER OF HORNBLLOWER YACHTS, LLC, PETITIONER-APPELLANT, V ROSE HARVEY, COMMISSIONER, NEW YORK STATE

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, ANDY BEERS,
EXECUTIVE DEPUTY COMMISSIONER, NEW YORK STATE OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION, NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION, MAID OF THE MIST CORPORATION, GIL C. QUINIONES,
PRESIDENT AND CHIEF EXECUTIVE OFFICER, NEW YORK POWER AUTHORITY AND NEW
YORK POWER AUTHORITY, RESPONDENTS-RESPONDENTS. -- Motion for reargument or
leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J.,
PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (909/14) KA 10-00801. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V ROOSEVELT ROBERTS, DEFENDANT-APPELLANT. -- Motion for
reargument denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND LINDLEY,
JJ. (Filed Jan. 2, 2015.)

MOTION NO. (927/14) CA 13-02149. -- MARY BEEBE AND ROBERT BEEBE,
PLAINTIFFS-RESPONDENTS-APPELLANTS, V ST. JOSEPH'S HOSPITAL HEALTH CENTER,
DEFENDANT, ASSOCIATES FOR WOMEN'S MEDICINE, PLLC, CHRISTOPHER LARUSSA,
M.D., DEFENDANTS-APPELLANTS-RESPONDENTS, AND SUCHITRA KAVETY, M.D.,
DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, VALENTINO, AND
WHALEN, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (1008/14) CAF 13-00423. -- IN THE MATTER OF TALEEYA M. CAYUGA

COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, PETITIONER-RESPONDENT;
RANESHA S., RESPONDENT-APPELLANT. -- Motion for leave to appeal to the
Court of Appeals denied. PRESENT: CENTRA, J.P., FAHEY, SCONIERS, WHALEN,
AND DEJOSEPH, JJ. (Filed Jan. 2, 2015.)

MOTION NO. (1026/14) KA 11-01476. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V LARON ROBINSON, DEFENDANT-APPELLANT. -- Motion for reargument
denied. PRESENT: SMITH, J.P., PERADOTTO, WHALEN, AND DEJOSEPH, JJ.
(Filed Jan. 2, 2015.)

MOTION NO. (1142/14) CA 13-01283. -- IN THE MATTER OF BERNICE MALCOLM,
PETITIONER-APPELLANT, V NEW YORK STATE DEPARTMENT OF LABOR, NEW YORK STATE
DEPARTMENT OF LABOR UNEMPLOYMENT INSURANCE BOARD'S ADMINISTRATIVE LAW JUDGE
SECTION, ADMINISTRATIVE LAW JUDGE ANNETTE GAUL, IN HER OFFICIAL CAPACITY
AND INDIVIDUALLY, NEW YORK STATE DIVISION OF HUMAN RIGHTS, HONEOYE
FALLS-LIMA CENTRAL SCHOOL DISTRICT, MICHELLE KAVANAUGH, IN HER OFFICIAL
CAPACITY AS SUPERINTENDENT OF SCHOOLS AND INDIVIDUALLY, AND WAYNE A. VANDER
BYL, IN HIS OFFICIAL CAPACITY AS SCHOOL ATTORNEY AND INDIVIDUALLY,
RESPONDENTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: CENTRA, J.P., FAHEY, SCONIERS, WHALEN,
AND DEJOSEPH, JJ. (Filed Jan. 2, 2015.)