

MOTION NO. (1108/82) KA 17-01218. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT DAVIS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., NEMOYER, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (475/83) KA 17-00807. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LARRY KEVIN RENDELL, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND DEJOSEPH, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (843/95) KA 06-00150. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIE IVY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (1570/98) KA 17-01404. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MARIO ZANGHI, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (626/02) KA 00-03001. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY YOUNGBLOOD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis and for other relief denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

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 Sept. 29, 2017.)

MOTION NO. (852/06) KA 03-00547. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTOINE PARRIS, ALSO KNOWN AS ANTOINE LENOIR PARRIS, 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 that would have resulted in reversal, specifically, in failing to argue that the evidence for his murder conviction was legally insufficient. Upon our review of the motion papers, we conclude that the issue may have merit. Therefore, the order of June 9, 2006 is vacated and this Court will consider the appeal de novo (*see People v LeFrois*, 151 AD2d 1046 [1989]). Defendant is directed to file and serve his records and briefs with this Court on or before December 28, 2017. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (738/07) KA 03-00814. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT A. GRIFFIN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, DEJOSEPH, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (239/11) KA 10-00023. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIE HALL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CARNI, J.P., DEJOSEPH, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (391/11) KA 07-02491. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TUREMAIL MCCULLOUGH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (796/12) KA 11-00972. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MIGUEL A. JARAMILLO, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (1450/12) KA 11-00847. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM M. DEAN, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CARNI, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (800/13) KA 11-00358. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL L. SCHROCK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., LINDLEY, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (948/13) KA 11-01987. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CIRITO M. CORDERO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (933/14) KA 12-01069. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLARENCE E. SCARVER, ALSO KNOWN AS "C," DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (9/16) KA 12-01362. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICHARD J. TORTORICE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND DEJOSEPH, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (384/16) KA 13-01138. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD J. BUTLER, ALSO KNOWN AS BERNARD FAULKS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied.

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (1199/16) CA 16-00511. -- IN THE MATTER OF LEVEL 3

COMMUNICATIONS, LLC, PETITIONER-PLAINTIFF-APPELLANT, V CHAUTAUQUA COUNTY, CITY OF DUNKIRK, VILLAGE OF BROCTON, VILLAGE OF WESTFIELD, BROCTON CENTRAL SCHOOL DISTRICT, DUNKIRK CITY SCHOOL DISTRICT, FREDONIA CENTRAL SCHOOL DISTRICT, RIPLEY CENTRAL SCHOOL DISTRICT, AND WESTFIELD CENTRAL SCHOOL DISTRICT, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (85/17) CA 16-00947. -- IN THE MATTER OF THE EIGHTH JUDICIAL DISTRICT ASBESTOS LITIGATION. DONALD J. TERWILLIGER, ADMINISTRATOR OF THE ESTATE OF DONALD R. TERWILLIGER, DECEASED, PLAINTIFF-RESPONDENT, V BEAZER EAST, INC., THE COMPANY, FORMERLY KNOWN AS KOPPERS COMPANY, INC., ET AL., DEFENDANTS, AND HONEYWELL INTERNATIONAL, INC., SUCCESSOR IN INTEREST TO WILPUTTE COKE OVEN DIVISION OF ALLIED CHEMICAL CORPORATION, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (206/17) CA 16-00324. -- ERIE INSURANCE EXCHANGE,
PLAINTIFF-APPELLANT, V J.M. PEREIRA & SONS, INC., RPC, INC., ALSO KNOWN AS
RUBBER POLYMER CORPORATION, RICARDO VEGA AND ROBERT MARCHESE, AS
ADMINISTRATOR OF THE ESTATES OF ANTONIO TAPIA, DECEASED, AND GILBERTO
VEGA-SANCHEZ, DECEASED, DEFENDANTS-RESPONDENTS. -- Motion for reargument
denied. Motion for leave to appeal to the Court of Appeals granted.
PRESENT: WHALEN, P.J., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Sept.
29, 2017.)

MOTION NO. (255/17) CA 16-01300. -- CHRISTINE M. MICHAEL,
PLAINTIFF-RESPONDENT, V GINA M. WAGNER, DEFENDANT-APPELLANT, AND LAKESHORE
TIRE & AUTO, INC., DEFENDANT. -- Motion for reargument or leave to appeal
to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, NEMOYER,
CURRAN, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (327/17) CA 16-00572. -- JANE HASTEDT, AS TESTATRIX OF THE
ESTATE OF MARK HASTEDT, DECEASED, AND JANE HASTEDT, INDIVIDUALLY,
PLAINTIFF-RESPONDENT, V BOVIS LEND LEASE HOLDINGS, INC., GEORGE A. NOLE &
SON, INC., AND CAMDEN CENTRAL SCHOOL DISTRICT,
DEFENDANTS-RESPONDENTS-APPELLANTS. BOVIS LEND LEASE HOLDINGS, INC., AND
CAMDEN CENTRAL SCHOOL DISTRICT, THIRD-PARTY
PLAINTIFFS-RESPONDENTS-APPELLANTS, V K.C. MASONRY, INC., THIRD-PARTY
DEFENDANT-APPELLANT-RESPONDENT. GEORGE A. NOLE & SON, INC., THIRD-PARTY

PLAINTIFF-RESPONDENT-APPELLANT, V K.C. MASONRY, INC., THIRD-PARTY

DEFENDANT-APPELLANT-RESPONDENT. -- Motions for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, DEJOSEPH, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (371/17) CA 16-01222. -- **PAUL MARINACCIO, SR.,**

PLAINTIFF-APPELLANT, V TOWN OF CLARENCE, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (452/17) CA 16-00373. -- **WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, N.A., AS TRUSTEE, FORMERLY KNOWN AS NORWEST BANK MINNESOTA, N.A., AS TRUSTEE FOR CERTIFICATE HOLDERS OF SAC01 SERIES, 1999-2, PLAINTIFF-RESPONDENT, V BONNIE M. DYSINGER,**

DEFENDANT-APPELLANT, ET AL., DEFENDANTS. -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (473/17) KA 15-01067. -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RONALD HOUGH, JR., DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: WHALEN, P.J., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (482/17) CA 16-01843. -- MARDI JOHN, BY THE PARENT AND NATURAL GUARDIAN, CHERYL KENDALL, PLAINTIFF-RESPONDENT, V DANIEL CASSIDY, DEFENDANT, AND PAUL KLEINDIENST, DEFENDANT-APPELLANT. DANIEL CASSIDY AND PAUL KLEINDIENST, THIRD-PARTY PLAINTIFFS, V DANIEL A. MESSINA AND DIKK SCHRADER, THIRD-PARTY DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (486/17) CA 16-02050. -- SANDRA J. SLACER, PLAINTIFF-RESPONDENT, V JOHN M. KEARNEY, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (533/17) TP 16-01684. -- IN THE MATTER OF JEAN OLIVER, PETITIONER, V JOSEPH A. D'AMICO, SUPERINTENDENT, NEW YORK STATE DIVISION OF STATE POLICE, RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (570/17) CA 16-01185. -- WM. SCHUTT & ASSOCIATES ENGINEERING & LAND SURVEYING P.C., PLAINTIFF-RESPONDENT, V ST. BONAVENTURE UNIVERSITY, ET AL., DEFENDANTS, AND JAMES W. MANGUSO, DOING BUSINESS AS LAUER-MANGUSO & ASSOCIATES ARCHITECTS, DEFENDANT-APPELLANT. -- Motion for reargument be and

the same hereby is granted in part and, upon reargument, the memorandum and order entered June 9, 2017 (151 AD3d 1634) is amended by deleting "St. Bonaventure" from the eighth sentence of the memorandum and substituting "defendant Bonaventure Square, LLC." PRESENT: WHALEN, P.J., CARNI, NEMOYER, CURRAN AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (669/17) CA 16-01712. -- TODD SPRING, PLAINTIFF-RESPONDENT, V COUNTY OF MONROE, MONROE COMMUNITY HOSPITAL, MAGGIE BROOKS, AS MONROE COUNTY EXECUTIVE, DANIEL M. DELAUS, JR., ESQ., WILLIAM K. TAYLOR, ESQ., BRETT GRANVILLE, ESQ., MERIDETH H. SMITH, ESQ., AND KAREN FABI, DEFENDANTS-APPELLANTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (694/17) CA 16-01498. -- PETER HAMMOND, PLAINTIFF-APPELLANT, V BRUCE W. SMITH, DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (696/17) CA 17-00099. -- DALLAS M. GROVE, PLAINTIFF-RESPONDENT, V CORNELL UNIVERSITY, SKANSKA USA BUILDING, INC., DEFENDANTS-RESPONDENTS-APPELLANTS, SKYWORKS EQUIPMENT LEASING, LLC, SKYWORKS, LLC, AND JLG INDUSTRIES, INC., DEFENDANTS-APPELLANTS-RESPONDENTS. -- Motions for reargument denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY,

AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (747/17) CA 16-02258. -- WILLIAM C. SAGER, SR., INDIVIDUALLY, AND AS ADMINISTRATOR OF THE ESTATE OF WILLIAM C. SAGER, JR., DECEASED, PLAINTIFF-RESPONDENT, V CITY OF BUFFALO, ET AL., DEFENDANTS, NHJB, INC., DOING BUSINESS AS MOLLY'S PUB, INDIVIDUALLY, AND AS A PRIVATE ACTOR JOINTLY ENGAGED WITH GOVERNMENT OFFICIALS IN PROHIBITED ACTION, NORMAN HABIB, INDIVIDUALLY, AND AS A PRIVATE ACTOR JOINTLY ENGAGED WITH GOVERNMENT OFFICIALS IN PROHIBITED ACTION AND MICHAEL MIRANDA, INDIVIDUALLY, AND AS A PRIVATE ACTOR JOINTLY ENGAGED WITH GOVERNMENT OFFICIALS IN PROHIBITED ACTION, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., DEJOSEPH, TROUTMAN, AND SCUDDER, JJ. (Filed August 24, 2017.)

MOTION NO. (754/17) KA 15-00916. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TODD A. EDWARDS, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (761/17) CA 16-02048. -- CHARLES F. DAMICK, JR., PLAINTIFF-APPELLANT, V CITY OF GENEVA, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, NEMOYER, AND CURRAN, JJ. (Filed Sept. 29,

2017.)

MOTION NO. (783/17) CA 16-02279. -- DIPIZIO CONSTRUCTION COMPANY, INC.,
PLAINTIFF-APPELLANT, AND TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,
INTERVENOR-PLAINTIFF-RESPONDENT, V ERIE CANAL HARBOR DEVELOPMENT
CORPORATION, DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the
Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, CARNI, AND
LINDLEY, JJ. (Filed Sept. 29, 2017.)

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 for reargument or leave to appeal to the Court of Appeals denied.
PRESENT: WHALEN, P.J., SMITH, CARNI, AND CURRAN, JJ. (Filed Sept. 29,
2017.)

MOTION NO. (819/17) KA 15-00911. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V EUGENE STEWART, DEFENDANT-APPELLANT. (APPEAL NO. 2.) --
Motion for reargument denied. PRESENT: CENTRA, J.P., LINDLEY, DEJOSEPH,
NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (832/17) CA 16-01929. -- JAMIE LOBELLO, PLAINTIFF-APPELLANT, V NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY, DEFENDANT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals and for a stay granted. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 29, 2017.)

MOTION NO. (873/17) CA 16-01727. -- IN THE MATTER OF THE ARBITRATION BETWEEN CITY OF WATERTOWN, PETITIONER-APPELLANT-RESPONDENT, AND WATERTOWN PROFESSIONAL FIREFIGHTERS' ASSOCIATION LOCAL 191, RESPONDENT-RESPONDENT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)

KA 15-02118. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DERRICK R. WILLIAMS, JR., 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 was convicted upon his guilty plea of criminal possession of a controlled substance in the fourth degree (Penal Law § 220.09 [1]). Defendant's assigned appellate counsel has moved to be relieved of the assignment pursuant to *People v Crawford* (71 AD2d 38). Upon our review of the record, we conclude that there is a nonfrivolous issue as to whether defendant's plea was knowing, voluntary and intelligent (*see People v Cornell*, 16 NY3d 801, 802). Therefore, we relieve counsel of his 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 a Judgment of the Oswego County Court, Spencer J. Ludington, J. - Criminal Possession of a Controlled Substance, 4th Degree).
PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Sept. 29, 2017.)