

MOTION NO. (649/91) KA 02-00858. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM J. BARNES, JR., DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CENTRA, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

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., CENTRA, LINDLEY, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (796/12) KA 11-00972. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MIGUEL A. JARAMILLO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (673/16) KA 12-00874. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FAHEEM ABDUL-JALEEL, DEFENDANT-APPELLANT. -- Motion for reargument and other relief denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (1453/17) KA 10-00859. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GERALD ADGER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (638/18) KA 15-01174. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALEXANDER KATES, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (732/18) KA 15-01997. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TIMOTHY LANKFORD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND CURRAN, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (849/18) KA 16-01773. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V QUENTIN HILL, ALSO KNOWN AS QUINTON HILL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (962/18) CA 17-01501. -- IN THE MATTER OF THE PROCEEDING FOR THE APPOINTMENT OF A GUARDIAN FOR EUGENE DAVID COLELLO, PURSUANT TO SCPA ARTICLE 17-A. MICHELLE A. COLELLO, PETITIONER-RESPONDENT, V EUGENE G. COLELLO, RESPONDENT-APPELLANT. LISA J. ALLEN, ESQ. AND STANLEY J. COLLESANO, ESQ., RESPONDENTS. (APPEAL NO. 1.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (963/18) CA 17-01502. -- IN THE MATTER OF THE PROCEEDING FOR THE APPOINTMENT OF A GUARDIAN FOR EUGENE DAVID COLELLO, PURSUANT TO SCPA ARTICLE 17-A. MICHELLE A. COLELLO, PETITIONER-RESPONDENT, V EUGENE G. COLELLO, RESPONDENT-APPELLANT. LISA J. ALLEN, ESQ. AND STANLEY J. COLLESANO, ESQ., RESPONDENTS. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (964/18) CA 17-01503. -- IN THE MATTER OF THE PROCEEDING FOR THE APPOINTMENT OF A GUARDIAN FOR EUGENE DAVID COLELLO, PURSUANT TO SCPA ARTICLE 17-A. MICHELLE A. COLELLO, PETITIONER-RESPONDENT, V EUGENE G. COLELLO, RESPONDENT-APPELLANT. LISA J. ALLEN, ESQ. AND STANLEY J. COLLESANO, ESQ., RESPONDENTS. (APPEAL NO. 3.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (982/18) CA 17-02161. -- MARILYN BROWN, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF J.L., AN INFANT, PLAINTIFF-RESPONDENT, V FIRST STUDENT, INC., BUFFALO PUBLIC SCHOOL DISTRICT, ET AL., DEFENDANTS-RESPONDENTS, CATHOLIC DIOCESE OF BUFFALO, OUR LADY OF BLACK ROCK SCHOOL, MARTHA J. EADIE, SISTER CAROL CIMINO, AND DEBBIELYNN DOYLE, DEFENDANTS-APPELLANTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (1072/18) TP 17-02208. -- IN THE MATTER OF DENNIS BRENNAN, PETITIONER, V MICHAEL C. GREEN, IN HIS OFFICIAL CAPACITY AS EXECUTIVE DEPUTY COMMISSIONER OF DIVISION OF CRIMINAL JUSTICE SERVICES, AND NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND CURRAN, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (1228/18) CA 18-00015. -- IN THE MATTER OF MATTHEW NIX, PETITIONER-APPELLANT, V NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND NEMOYER, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (1256/18) CA 17-01273. -- IN THE MATTER OF SALEEM SPENCER, PETITIONER-APPELLANT, V ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Mar. 15, 2019.)

MOTION NO. (1302/18) CA 18-00604. -- IN THE MATTER OF M. B., PETITIONER-APPELLANT, V NEW YORK STATE OFFICE OF MENTAL HEALTH, ERIE COUNTY

**MEDICAL CENTER, SUICIDE PREVENTION AND CRISIS SERVICES, INC., BRYLIN HOSPITAL,
AND LAKESHORE BEHAVIORAL HEALTH, RESPONDENTS-RESPONDENTS. (APPEAL NO.**

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

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed
Mar. 15, 2019.)

**MOTION NO. (1303/18) CA 18-00605. -- IN THE MATTER OF M. B.,
PETITIONER-APPELLANT, V NEW YORK STATE OFFICE OF MENTAL HEALTH, ERIE COUNTY
MEDICAL CENTER, SUICIDE PREVENTION AND CRISIS SERVICES, INC., BRYLIN HOSPITAL
AND LAKESHORE BEHAVIORAL HEALTH, RESPONDENTS-RESPONDENTS. (APPEAL NO.**

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

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed
Mar. 15, 2019.)

**MOTION NO. (1440/18) CA 18-01353. -- ALBERT G. FRACCOLA, JR., INDIVIDUALLY
AND AS 50 PERCENT SHAREHOLDER, PRESIDENT AND DIRECTOR, COMMITTEEMAN OF ONE,
AND CREDITOR OF 1ST CHOICE REALTY, INC., ET AL., PLAINTIFF-APPELLANT, V 1ST
CHOICE REALTY, INC., A DOMESTIC CORPORATION IN DISSOLUTION, ET AL., DEFENDANTS,
ROBERT K. HILTON, III, JAY G. WILLIAMS, III, AND GETNICK, LIVINGSTON, ATKINSON,
GIGLIOTTI AND PRIORE, LLP, DEFENDANTS-RESPONDENTS. -- Motion for reargument
or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P.,
PERADOTTO, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Mar. 15, 2019.)**

KA 18-00654. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BARON

LOPSEY, DEFENDANT-APPELLANT. -- Motion to dismiss granted. Memorandum: The matter is

remitted to Oneida 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 Mar. 15, 2019.)

**KA 16-02222. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MERRELL
K. TAYLOR, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's**
motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d
38 [4th Dept 1979]). (Appeal from Judgment of Supreme Court, Erie County,
Russell P. Buscaglia, A.J. - Attempted Robbery, 2nd Degree). PRESENT: SMITH,
J.P., CARNI, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Mar. 15, 2019.)

KA 15-01689. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ALFRED D.

VAZQUEZ, 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 Mar. 15, 2019.)