

November 19, 2013

CASES

1 No. 164
The People &c.,
 Respondent,
 v.
Richard Diaz,
 Appellant.

Order modified by remitting to Supreme Court, New York County, for further proceedings in accordance with the opinion herein and, as so modified, affirmed. Opinion by Judge Abdus-Salaam. Judges Graffeo and Read concur. Judge Smith concurs in result. Chief Judge Lippman dissents and votes to reverse in an opinion in which Judge Rivera concurs in a separate opinion. Judge Pigott dissents and votes to affirm in an opinion.

1 No. 211
The People &c.,
 Respondent,
 v.
Felix Hernandez,
 Appellant.

Order affirmed, in a memorandum. Judges Graffeo, Read, Smith, Rivera and Abdus-Salaam concur. Judge Pigott dissents in an opinion in which Chief Judge Lippman concurs.

2 No. 184
The People &c.,
 Respondent,
 v.
Franklin Hughes,
 Appellant.

Order affirmed. Opinion by Judge Smith. Chief Judge Lippman and Judges Graffeo, Read, Pigott and Rivera concur. Judge Abdus-Salaam took no part.

1 No. 185
The People &c.,
 Respondent,
 v.
Harold Jones,
 Appellant.

Order affirmed. Opinion by Judge Smith. Chief Judge Lippman and Judges Graffeo, Read, Pigott and Rivera concur. Judge Abdus-Salaam took no part.

2 No. 181
In the Matter of Vilma Lancaster, et al.,
 Appellants,
 v.
Incorporated Village of Freeport, et al.,
 Respondents.
(Proceeding No. 1)

In the Matter of William F. Glacken, et al.,
 Appellants,
 v.
Incorporated Village of Freeport, et al.,
 Respondents.
(Proceeding No. 2)

3 No. 163
The People &c.,
 Respondent,
 v.
Juan Jose Peque, &c.,
 Appellant.

1 No. 182
In the Matter of the State of New York,
 Respondent,
 v.
Floyd Y.,
 Appellant.

Order affirmed, with costs.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Rivera and Abdus-
Salaam concur.
Judge Pigott dissents in an opinion.

Order affirmed.
Opinion by Judge Abdus-Salaam.
Judges Graffeo and Read concur.
Judge Pigott concurs in result in an opinion in which
Judge Smith concurs.
Chief Judge Lippman dissents and votes to reverse in
an opinion in which Judge Rivera concurs in a
separate opinion.

Order reversed, without costs, and a new trial
ordered.
Opinion by Judge Rivera.
Judges Graffeo, Read, Pigott and Abdus-Salaam
concur.
Judge Smith concurs in result in an opinion in which
Chief Judge Lippman concurs.

2 No. 165
The People &c.,
 Respondent,
 v.
Michael Thomas, Also Known as Neil
Adams,
 Appellant.

Order affirmed.
Opinion by Judge Abdus-Salaam.
Judges Graffeo and Read concur.
Judge Pigott concurs in result in an opinion in which
Judge Smith concurs.
Judge Rivera concurs in result in a separate opinion.
Chief Judge Lippman dissents and votes to reverse in
an opinion.

3 No. 202
In the Matter of Beth V.,
 Appellant,
 v.
New York State Office of Children & Family
Services et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Order affirmed, with costs.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Smith,
Pigott and Abdus-Salaam concur.
Judge Rivera dissents and votes to reverse in an
opinion.

2 No. 198
The People &c.,
 Respondent,
 v.
Julio Velez,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

MOTIONS

3 Mo. No. 2013-922
In the Matter of Arrello Barnes,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-988
In the Matter of Donald Mack Bennett,
 Appellant,
 v.
Superintendent Jeff McKoy et al.,
 Respondents.

Motion for reconsideration of this Court's September 3, 2013 dismissal order denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2013-980
In the Matter of Dwayne Bethune,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-960
Gerald Boyd,
 Appellant,
 v.
New York City Housing Authority,
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.
Judge Abdus-Salaam took no part.

1 Mo. No. 2013-982
Cadlerock, L.L.C.,
 Respondent,
 v.
Jan Z. Renner,
 Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2013-965
John Doe,
 Appellant,
 v.
Sutlingar Realty Corp.
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

 Mo. No. 2013-958
In the Matter of Margaret L. Donovan, &c.,
 Appellant,
 v.
Judge Warren P. Hauben, &c.,
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 SSD 69
John Fayolle,
 Appellant,
 v.
East West Manhattan Portfolio L.P., et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the Appellate Division order on the basis of a one-justice dissent absent the direct involvement of a substantial constitutional question (CPLR 5601[a], [b]).

1 Mo. No. 2013-941
Flame S.A.,
 Appellant,
 v.
Worldlink International (Holding) Ltd., et al.,
 Respondents,
Worldlink Shipping Ltd.,
 Defendant.

Motion for leave to appeal denied.

3 Mo. No. 2013-981
Shawn Green,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

3 SSD 70
In the Matter of Shawn I. Lainfiesta,
Appellant,
v.
State of New York,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2013-1002
Robert C. Laity,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie (see CPLR 5602).

1 Mo. No. 2013-973
In the Matter of Edwin Lopez,
Respondent,
v.
Andrea Evans, &c.,
Appellant.

Motion to expand the record on appeal granted on consent.

1 Mo. No. 2013-967
Dennis Ortiz, &c., et al.,
Appellants,
v.
New York City Housing Authority,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2013-1003
In the Matter of Dawud Rahman,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal dismissed as untimely
(see CPLR 5513).

4 Mo. No. 2013-963
In the Matter of Cesar Rosa,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2013-974
Robert L. Schulz,
Appellant,
et al.,
Plaintiffs,
v.
State of New York Executive, Andrew
Cuomo, Governor, et al.,
Respondents.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2013-1000
In the Matter of Christopher Sepulveda,
Appellant,
v.
William A. Lee, &c.,
Respondent.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

3 Mo. No. 2013-979
In the Matter of Victor Sowell,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2013-956
TADCO Construction Corp.,
 Appellant,
 v.
Dormitory Authority of the State of New
York,
 Respondent.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the action within the
meaning of the Constitution.

2 Mo. No. 2013-968
The People &c.,
 Respondent,
 v.
Stacey Watson,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2013-996
In the Matter of Working Families Party,
 Appellant,
 v.
Fern A. Fisher, &c., et al.,
 Respondents.

Motion for leave to appeal granted.
Chief Judge Lippman took no part.