

January 08, 2013

CASE

4 No. 56 SSM 34
The People &c.,
 Respondent,
 v.
Marche Johnson,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith and Pigott concur.

MOTIONS

1 Mo. No. 2012-1097
In the Matter of Amire B., &c.

Selika B.,
Appellant,
The Administration for Children's Services,
Respondent.

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

2 Mo. No. 2012-1130
The People &c. ex rel. Howard Glenn Blake,
&c.,
Appellant,
v.
Hon. George E. Pataki, &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.

4 Mo. No. 2012-1127
The People &c. ex rel. Edward Brown,
Appellant,
v.
New York State Department of Correctional
Services,
Respondent.

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

4 Mo. No. 2012-1131
The People &c.,
Respondent,
v.
Christopher Cronk,
Appellant.

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

4 Mo. No. 2012-1090
Patricia J. Curto,
Appellant,
v.
New York State Thruway Authority et al.,
Respondents.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2012-1149
Winifred K. Day,
Appellant,
v.
One Beacon Insurance,
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 Mo. No. 2012-1164
In the Matter of Richard E. Dutrow,
Appellant,
v.
New York State Racing and Wagering Board,
Respondent.

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

3 Mo. No. 2012-1144
Marie Nicole Fabi, &c.,
Appellant,
v.
Theodore D. Hayes,
Respondent,
et al.,
Defendant.

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

3 Mo. No. 2012-1091
In the Matter of Santo Gonzalez,
Appellant,
v.
Dominick Venettozzi, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2012-1210
In the Matter of Shawn G. Granger,
 Respondent,
 v.
Danielle D. Misercola,
 Appellant.

Motion by respondent for poor person relief granted.

3 Mo. No. 2012-1125
In the Matter of Shawn Green,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2012-1207
The People &c.,
 Respondent,
 v.
Joel Hernandez, Also Known as Haze,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1 Mo. No. 2012-1158
The People &c.,
 Respondent,
 v.
Ted Johnson,
 Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2012-1126
In the Matter of Michael R. Kindred,
 Appellant,
 v.
City of Albany Office of the City Clerk, et al.,
 Respondents.

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

2 Mo. No. 2012-1166
Myrlene Linson,
 Appellant,
 v.
City of New York,
 Respondent.

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

1 Mo. No. 2012-1182
In the Matter of Alan MacPherson,
 Appellant,
 v.
Raymond Kelly, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2012-1105
In the Matter of Jennifer M. (Anonymous),
 Appellant,
et al.,
 Petitioner,
 v.
Kevin M. (Anonymous), et al.,
 Respondents.
(And Other Proceedings.)

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

2 Mo. No. 2012-1199
In the Matter of James M. (Anonymous),
 Appellant,
et al.,
 Petitioner,
 v.
Kevin M. (Anonymous), et al.,
 Respondents.
(And Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2012-1153
The People &c.,
Respondent,
v.
Wilfredo Molina,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2012-1111
In the Matter of Manuel Mosley,
Appellant,
v.
Brian Fischer, &c.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2012-1120
The People &c.,
Respondent,
v.
Jesus Mundo,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2012-1148
Lillian N. Nall, et al.,
Appellants,
v.
Estate of Dawn Powell, et al.,
Respondents,
Karen Powell, et al.,
Defendants.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the denial of the motion to amend the complaint, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

1 Mo. No. 2012-1176
In the Matter of Phyllis Nuchman,
Appellant,
v.
Joel I. Klein, &c., et al.,
Respondents.

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

3 Mo. No. 2012-1110
In the Matter of Ajamu Olutosin,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

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

4 Mo. No. 2012-1211
The People &c.,
 Respondent,
 v.
Anthony S. Pignataro,
 Appellant.

Motion for assignment of counsel granted and
Charles J. Greenberg, Esq., 3840 East Robinson
Road, Amherst, NY 14228-2001 assigned as counsel
to the appellant on the appeal herein.

2 Mo. No. 2012-1156
Princetel, LLC,
 Appellant,
 v.
Christopher M. Buckley, et al.,
 Respondents.

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

2 Mo. No. 2012-1146
In the Matter of Sonya Shapiro,
et al.,
 Appellants,
 v.
Town of Ramapo, et al.,
 Respondents.

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.

4 Mo. No. 2012-1119
In the Matter of Daniel Tarrant,
 Respondent,
 v.
Shannon Ostrowski,
 Appellant.

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

3 Mo. No. 2012-1265
The People &c.,
 Respondent,
 v.
Adrian P. Thomas,
 Appellant.

Motion for assignment of counsel granted and
Jerome K. Frost, Esq., 287 North Greenbush Road,
Troy, NY 12180 assigned as counsel to the appellant
on the appeal herein.

1 Mo. No. 2012-1057
In the Matter of Richard Vecchio, &c.,
 Respondent,
 v.
Raymond W. Kelly, &c., et al.,
 Appellants.

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

1 Mo. No. 2012-1104
Wendy Webb-Weber,
 Appellant,
 v.
Community Action for Human Services, Inc.,
et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal granted.

4 Mo. No. 2012-1037
In the Matter of Elbert Welch,
 Appellant,
 v.
James P. Punch, &c., et al.,
 Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2012-1038
In the Matter of Elbert Welch,
 Appellant,
 v.
Honorable Charles J. Hannigan, &c., et al.,
 Respondents.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2012-1134
In the Matter of John L. Weslowski,
 Respondent,
 v.
C. Scott Vanderhoef, &c.,
et al.,
 Appellants.

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 and is not an order of
the type provided for in CPLR 5602(a)(2).

3 Mo. No. 2012-1101
In the Matter of Clifton K. Williamson,
 Appellant,
 v.
Brian Fischer, &c., et al.,
 Respondents.

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.

4 Mo. No. 2012-1138
Charles Wimmer, &c.,
 Appellant,
 v.
Mark Tompkins, et al.,
 Respondents.

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

3 Mo. No. 2012-1113
Mark Yonaty,
 Appellant,
 v.
Jean Mincolla,
 Respondent.
(And a Third-Party Action.)

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