

**SOME NOTABLE CASES:**

Matter of Randolph Conrad v. Susan Conrad (211 AD3d 1528 [4<sup>th</sup> Dept.; 12/23/22]) - modification of custody order to increase father's time with child.

Wilmington Savings v. Kazi Helal (211 AD3d 991 [2<sup>nd</sup> Dept.; 12/21/22]) - judgment of foreclosure and sale affirmed and order modified to recompute referee's report.

Fifty-Third Mortgage Company v. Anthony Schiro (210 AD3d 953) - order denying motion to restore action on promissory note secured by a mortgage reversed.

People v. Marquis D. Andrews (210 AD3d 1429) - judgment of conviction for crimes of sexual abuse in the first degree reversed and new trial ordered.

People v. Shane M. Bennett (210 AD3d 1421) - sentences imposed on 10 counts of criminal possession of a weapon in the third degree vacated and matter remitted for resentencing.

People v. Ronald Dillon, Jr. (\_\_\_ Misc3d \_\_\_ [11/3/22; St. Lawrence County Court]) - defendant's sentence as a predicate felon vacated.

Matter of Steven U v. Alisha A (209 AD3d 1184) - award of sole legal and primary physical custody to father affirmed and mother given year-round weekend visitation.

Matter of Derek R. Johnson and Kenya I. Johnson (209 AD3d 1314) - reversal of order dismissing father's custody petition, and awarding sole custody of child to the father.

People v. Kevin Madison (208 AD3d 1253) - sentence vacated and matter remitted to resentence defendant.

People v. Ryan Clement (209 AD3d 1300) - retained by Lewis County to represent the People of the State of New York, and successfully upheld the defendant's risk Level III SORA determination.

People v. Cody Fox (\_\_\_ Misc3d \_\_\_ [Lewis County Court; 7/25/22]) - retained by Lewis County to represent the People of the State of New York and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following convictions for crimes of criminal possession of a weapon in the second

degree, attempted assault in the second degree and unlawful manufacture of methamphetamine in the second degree.

People v. Jose Lopez-Sarmiento (207 AD3d 1210) - reduction of conviction for crime of assault in the second degree to attempted assault in the second degree.

U.S. Bank Trust, N.A. v. Pieri, Kensu-1, L.P. (197 AD3d 930) - affirmance of order and judgment ordering mortgaged property to be sold at public auction.

People v. Juanita Aikes (\_\_\_ Misc3d \_\_\_ [Ontario County Court; 7/11/22]) - reversal of judgment of conviction for crimes of assault in the third degree and criminal contempt in the second degree.

U.S. Bank Trust, N.A. v. Felix A. Gomez (205 AD3d 839) - order denying motion to vacate judgment of foreclosure affirmed.

People v. Jerold Young (204 AD3d 1511) - modification of sentence in the interest of justice.

In the Matter of the Adoption of Kayden (204 AD3d 1439) - order adjudicating birth father's consent to adoption of child not required and finding in best interest of child to be adopted affirmed.

People v. Cody J. Fox (204 AD3d 1455) - retained by Lewis County to represent the People of the State of New York, to uphold judgment of conviction for crimes of criminal possession of a Weapon in the Second Degree, unlawful manufacture of methamphetamine in the second degree and attempted assault in the second degree.

People v. Paul Meyer (\_\_\_ Misc3d \_\_\_ [Cayuga County; 3/31/22]) - judgment of conviction modified to vacate sentence and remand for resentencing.

Federal National Mortgage Association v. Johoshea Greenfeld (203 AD3d 1139) - order affirming entry of default judgment, and order of reference and appointment of referee in foreclosure action affirmed with costs.

People v. Tiffany Paul (\_\_\_ Misc3d \_\_\_ [Ontario County Court; 3/29/22]) - reversal of judgment of conviction for crime of petit larceny.

People v. Kurt Hazzard (\_\_\_ Misc3d \_\_\_ [Lewis County Court; 3/25/22]) - retained by Lewis County to represent the People of the State of New York, and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following his conviction for the crimes of course of sexual assault against a child and incest.

People v. Jason M. Singleton (203 AD3d 1646) - reversal of judgment of conviction for criminal possession of a controlled substance in the third degree, grant of suppression motion and dismissal of the Indictment.

People v. Gerald White (\_\_\_ Misc3d \_\_\_ [Wayne County Court; 3/17/22]) - writ of error coram nobis granted due to denial of right to effective assistance of counsel on direct appeal.

People v. Tawan Baggett (202 AD3d 812) - modification of sentence directing that all sentences are to be served concurrently and not consecutively.

People v. James Adams (201 AD3d 1311) - vacated conviction for nonexistent offense and correction of uniform sentence and commitment form.

People v. Hector I. Pagan (200 AD3d 1724) - waiver of appeal invalid.

People v. Kyle L. Borland (198 AD3d 1317) - waiver of right to appeal not enforceable.

People v. Paul R. Allen (\_\_\_ Misc.3d \_\_\_ [Oswego County Court; 8/23/21]) - motion granted to set aside verdict because first cousin of County District Attorney was a member of the jury that convicted defendant of sexual abuse in the first degree.

U.S. Bank Trust, N.A. v. Julia Lystra Collis (196 AD3d 718) - motion for renewal granted, prior decision vacated, and order denying plaintiff's motion for summary judgement reversed and order of reference granted.

People v. Joshua P. Vandergrift (196 AD3d 832) - violation of probation deemed a nullity.

People v. Michael F. Daskiewich (196 AD3d 1061) - retained by Lewis County to represent the People of the State of New York to uphold judgement of conviction for the crimes of criminal sexual act in the first degree, and in the third degree; sexual abuse

in the first degree; endangering the welfare of a child; and unlawfully dealing with a child; and sentence was modified in the interest of justice.

Matter of Kathryn L. Schram v. Joshua A. Nine (193 AD3d 1361) - order granting father sole legal and primary physical custody of the children affirmed.

Matter of Derek Ramon Johnson v. Kenya Iesha Johnson (192 AD3d 1675) - reversal of order and primary physical residence awarded to father.

Matter of Frank Myers, Jr. v. Sara Myers, et al (192 AD3d 1681) - order dismissing custody petition with prejudice reversed, and matter remitted for best interest hearing.

People v. David L. Brinson (192 AD3d 1559) - prison sentence reduced in the interest of justice.

US Bank Trust, N.A. v. Sonia Gaines (189 AD3d 1312)- reversal of order denying lender's Motion for Summary Judgment and dismissing foreclosure complaint.

People v. Derrick R. Williams, Jr. (189 AD3d 2157) - waiver of appeal invalid.

Chase Home Finance, LLC v. William Guido (189 AD3d 1339)- reversal of order denying lender's Motion to enter default judgment in foreclosure action.

J.P. Morgan Chase Bank v. Chidi Eze (188 AD3d 1173) - order denying Motion to dismiss foreclosure action affirmed.

People v. Gerald Barnes (\_\_\_ Misc.3d \_\_\_ [Onondaga County Court; 9/8/20]) - reduction of prison sentence in interest of justice.

People v. Rasheen Sanders (185 AD3d 1280) - amendment of certificate of conviction and sentence and commitment form to reflect correct adjudication.

People v. Juan J. Rodriguez (185 AD3d 1233) - remittal to amend certificate of conviction.

People v. Jodie L. Romeiser (185 AD3d 1431) - reversal of judgment of conviction for crime of Assault in the Third Degree and dismissal of indictment.

People v. Shannon Desmond (\_\_\_ Misc.3d \_\_\_) [Ontario County Court; 6/25/20]) - reversal of Driving While Ability Impaired and Moving from Lane Unsafely judgment of conviction and dismissal of charges.

Matter of Paul JJ v. Heather JJ. (184 AD3d 956) - dismissal of father's petitions for custody and visitation affirmed.

People v. Thomas Kaminski (184 AD3d 951) - reversal of order denying reclassification of SORA risk level status.

Matter of Karen Q v. Christina R., and David Q. (184 AD3d 987) - order modifying mother's parenting time affirmed.

David Impellizzera v. Cindy Campangi, et al. (184 AD3d 1181) - order quashing judicial subpoena deuces tecum modified to grant plaintiff production of those records that are material and necessary.

People v. Dystyn Liepke (184 AD3d 1109) - sentence and commitment form corrected.

People v. James Ball (35 NY3d 1009) - order dismissing murder indictment affirmed.

People v. Tyler J. Ostrowski (\_\_\_ Misc.3d \_\_\_) [Lewis County Court; 5/4/20]) - retained by Lewis County to represent the People of the State of New York, to uphold judgment of conviction for crime of Driving While Intoxicated.

Green Tree Servicing, LLC v. Juanita Still (\_\_\_ AD3d \_\_; 2020 N.Y. Slip Op. 65684(U) [2<sup>nd</sup> Dept.; 4/27/20]) - appeal from Decision dismissed.

People v. Eulese Cruz (182 AD3d 999) - waiver of appeal invalid and sentence and commitment form corrected.

People v. James Fenton (182 AD3d 1048) - sentence of seven and one-half years excessive and reduced to two and one-half years.

HSBC Bank v. Eugene Lefkowitz (\_\_\_ AD3d \_\_\_; 2020 N.Y. Slip Op. 64830(U) 2<sup>nd</sup> Dept.; 3/17/20]) - dismissal of appeal from non-final Order that did not affect the Final Judgment.

People v. Javell Fox (181 AD3d 1228) - reversal of Order denying Criminal Procedure Law Article 440 Motion and remand for hearing.

People v. Lyle F. Davoy, Sr. (\_\_\_ Misc.3d \_\_\_ Lewis County Court; 2/3/20]) - retained by Lewis County to represent the People of the State of New York, and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following his conviction for the crime of Murder in the Second Degree.

People v. Angnem G. Green (179 AD3d 1516) - modification of defendant's prison sentence.

Matter of Juan Lorenzo Muriel (179 AD3d 1529) - affirmance of Order granting father sole legal and primary custody of child.

Matter of Joseph Rivera, Administrative Parole Appeal - denial of parole vacated and matter remanded for de novo parole hearing.

Matter of Tonya Annmarie Serna v. Dwight Edwards Jones, Jr. (178 AD3d 1447) - order awarding mother sole legal and physical custody of children affirmed.

Matter of Mary Margaret Ballard v. Christopher James Piston (178 AD3d 1397) - order awarding father sole legal and physical custody of children affirmed.

People v. Jessica Gazzillo (177 AD3d 1406) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for the crimes of criminal sale of a controlled substance in the third degree, and criminal possession of a controlled substance in the third degree.

People v. Derrick W. Mcdermid (177 AD3d 1412) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for the crime of manslaughter in the first degree.

Matter of Amanda Green v. Justin Lafler (177 AD3d 1380) - reversal of order finding willful violation of support order and remand for hearing.

Option One Mortgage Corporation v. Kathy L. Brunner (177 AD3d 1331) - order granting lender's motion to vacate foreclosure and discontinue action without prejudice affirmed.

People v. Mark St. Denis (177 AD3d 1311) - reversal of judgment of conviction for crime of attempted assault in the second degree and SCI dismissed.

Constellation Energy Group v. Rodney J. Wray (174 AD3d 1797) - affirmance of judgment directing employee to repay signing bonus.

Matter of Amanda May Landenberg v. Cynthia Louise Stevens, et. al. (175 AD3d 1849) - affirmance of order revoking grandmother's visitation.

People v. Joseph S. Youngs (175 AD3d 1604) - judgment of conviction for crimes of predatory sexual assault against a child, criminal sexual act in the first degree, and endangering the welfare of a child reversed and new trial ordered.

People v. Brenda E. Roth (174 AD3d 1530) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for the crime of manslaughter in the second degree.

Matter of Linda A.A. v. Robert A.A. (174 AD3d 1082) - affirmance of order dismissing mother's petition for custody of daughter.

Ann M. Mancuso v. Douglas S. Graham (173 AD3d 1808) - QDRO as to husband's New York State and Local Employee Retirement benefits affirmed.

Matter of Philip UU. V. Amanda UU. (173 AD3d 1382) - affirmance of order granting grandparents custody of child.

People v. Breanna L. Simpson (173 AD3d 1617) - defendant's illegal sentence and incorrect uniform sentence and commitment form corrected by appellate court.

People v. Felix M. Fantauzzi (\_\_\_ Misc3d\_\_\_ [Lewis County Court; 5/8/2019]) - retained by Lewis County to represent the People of the State of New York in regard to Criminal Procedure Law Article 440 Motion and upheld judgment of conviction for the crime of aggravated unlicensed operation of a motor vehicle in the first degree.

People v. Daniel C. Vaughn (173 AD3d 1260) - reversal of judgment of conviction for the crime of assault in the first degree due to defective Superior Court Information which counsel raised at oral argument.

People v. Lauren Janack (\_\_\_ Misc3d \_\_\_ [Onondaga County Court; 4/15/2019]) - suppression of evidence following warrantless

entry into defendant's home and reversal of driving while intoxicated judgment of conviction.

People v. Jason R. Quackenbush (Misc3d [Onondaga County Court; 3/28/2019]) - reversal of judgment of conviction for violation of Town of Cicero Local Law §143(4) Noise Ordinance and Disorderly Conduct and dismissal of charges.

Matter of Karen Q. (Christina R.) (170 AD3d 1446) - affirmance of order dismissing mother's petition to modify custody and visitation.

People v. Joshua P. Vandegrift (170 AD3d 1327) - remittal of matter to determine fitness to proceed at time of violation of probation hearing.

People v. Joseph S. Youngs (169 AD3d 1155) - mater remitted to Madison County Court for determination of Huntley Hearing.

Matter of Lakeya P. v Ajja M. (169 AD3d 1409) - vacatur of order delegating authority to DSS to determine duration and frequency of mother's visitation, and remitting matter for Family Court to set visitation schedule, and vacation of requirement that mother must have judicial approval to file any subsequent petition.

Matter of Denise E. v Ajja M. (169 AD3d 1412) - vacatur of order delegating authority to DSS to determine duration and frequency of mother's visitation, and remitting matter for Family Court to set visitation schedule, and vacation of requirement that mother must have judicial approval to file any subsequent petition.

People v. Jeffrey S. Demkovich (168 AD3d 1221) - reversal of judgment of conviction for crimes of attempted kidnapping in the second degree and criminal possession of a controlled substance in the third degree.

People v. William D. Johnson (167 AD3d 1512) - reversal of judgment of conviction for crime of assault and grand larceny following Alford plea.

Matter of Jennifer Rice v. Michael Wightman (167 AD3d 1529) - modification of Family Court order with remand to Family Court to set visitation schedule.

People v. Zachariah A. Madonna (167 AD3d 1488) - reduction to Level I from Level III of SORA risk assessment.



Anthony C. Lavallo v. Coholan Family, LLC., et al (167 AD3d 1444) - affirmance of money judgment for unpaid legal services.

Matter of Linda S. Sprole v. Robert Sprole, III (166 AD3d 1358) - affirmed order dismissing mother's custody petition.

People v. Robert C. Lewis (165 AD3d 1600) - remittur to County Court to fully determine DNA motion.

Matter of Sarah H. Driscoll v. Timothy J. Mack, et. al. (165 AD3d 1590) - remittal of matter for completion of custody hearing.

People v. Timothy W. Bennett (165 AD3d 1624) - reversal of judgment of conviction for crime of attempted kidnapping in the second degree and dismissal of Superior Court Information.

People v. Daniel Larkins (\_\_\_ Misc3d \_\_\_ [Lewis County Court; 8/21/18]) - retained by Lewis County to represent the People of the State of New York and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following her conviction for the crime of attempted assault in the second degree.

HSBC Mortgage Services v. Point Holding Alpha, LLC (163 AD3d 934) - orders denying motion to serve late answer and vacating dismissal of complaint in foreclosure action affirmed.

People v. Michael Wilson (162 AD3d 1591) - reversal of order denying Criminal Procedure Law Article 440 Motion and remand for hearing.

Matter of Mason H (31 NY3d 1109) - appointed by Court of Appeals to represent infant in termination of parental rights proceeding.

People v. Steven Myers (32 NY3d 18) - first time Court of Appeals directed trial court judges to utilize set colloquy for Waiver of Indictment Superior Court Information procedure.

People v. Ricky D. Gates (31 NY3d 1028) - affirmance of Appellate Division reversal of judgment of conviction and dismissing Indictment for crime of possession or transporting 30,000 or more untaxed cigarettes.

People v. Reginald D. Boykins (161 AD3d 183) - first appellate holding that felony drug offender cannot be sentenced as a

persistent felony offender.

People v. James E. Rogers (159 AD3d 1558) - waiver of appeal invalid.

People v. Daniel Petrangelo (159 AD3d 1559) - sentence vacated and matter remitted to set the length of term of probation.

People v. Ronnell D. Wilson, (Appeal No.'s 1 and 3) (159 AD3d 1542) - waiver of appeal invalid.

People v. Ronnell D. Wilson, (Appeal No. 2) (159 AD3d 1544) - reversal of judgment of conviction for crime of attempted sex trafficking.

Matter of Ellie Jo L. H. (158 AD3d 1231) - reversal of neglect adjudication and dismissal of petition.

People v. Christopher T. Kesterson ( \_\_ Misc.3d \_\_ [Yates County Court; 2/16/18]) - reversal of judgment of conviction for crime of criminal possession of stolen property and dismissal of charge.

People v. Kayla A. Peaty ( \_\_ Misc.3d \_\_ [Yates County Court; 2/13/18]) - reversal of judgment of conviction for crime of obstructing governmental administration.

Robert R. Sprole, III v. Linda S. Sprole (156 AD3d 1265) - order denying stay of auction of former marital residence affirmed.

Household Finance Realty Corporation v. Adebayo E. Adeosun (156 AD3d 870) - order denying order of reference in mortgage foreclosure action and dismissal of action reversed.

People v. Jessie J. Barnes (156 AD3d 1417) - modification of defendant's sentence.

People v. Leroy Tuff, Jr. (156 AD3d 1372) - modification of defendant's sentence.

Robert R. Sprole, III v. Linda S. Sprole (155 AD3d 1345) - dismissal of wife's QDRO appeal.

People v. Jeremy Saunders (156 AD3d 1138) - SORA Risk Level III classification reversed and defendant classified as SORA Risk Level II.

Key Bank N.A. v. Philip Simao, et al. (155 AD3d 1679) - judgment of foreclosure and sale affirmed.

Key Bank N.A. v. Philip Simao, et al. (155 AD3d 1678) - order directing sale of mortgaged premises affirmed.

Matter of Rachel A. Montalbano (155 AD3d 1636) - order awarding mother sole custody affirmed.

Bank of America N.A. v. Sarah Brannon (156 AD3d 1) - reversed of order denying lender's motion for summary motion, and denying order of reference.

People v. Tyler V. Lewis (153 AD3d 1615) - reversal of judgment of conviction for crime of Murder in the Second Degree and new trial ordered.

People v. Robert A. Wilson (\_\_\_\_ Misc3d \_\_\_\_ [Yates County Court - 8/30/17]- persistent felony sentence vacated.

Robert R. Sprole III v. Linda S. Sprole and Richard B. Alderman, et al. (152 AD3d 1094) - affirmance of order denying motion to dismiss Interpleader action.

People v. Kenneth J. Hollenbeck, III (152 AD3d 974) - waiver of appeal invalid.

People v. Ricky D. Gates (152 AD3d 1222) - reversal of judgment of conviction for possessing or transporting 30,000 or more untaxed cigarettes and dismissal of Indictment.

Pamela J. Moyer, et al. v. Ajoy K. Roy, M.D. (152 AD3d 1188) - reversal of order dismissing medical malpractice action and reinstatement of complaint.

Matter of Lanchi Thomas v. Geoffrey Thomas (151 AD3d 1919) - affirmance of order dismissing mother's petition claiming father violated Order of Protection.

Robert R. Sprole, III v. Linda S. Sprole, Harlan B. Gingold (151 AD3d 1413) - affirmance of money judgment against wife for her attorney's fees.

Robert R. Sprole, III v. Linda S. Sprole, Richard B. Alderman (151 AD3d 140)- affirmance of changing lien against wife for her attorney's fees.

Matter of Akayla M. (151 AD3d 1684) - admission of examining psychologist improperly admitted into evidence since it was prepared for the purpose of litigation rather than in ordinary course of business.

Matter of Carla Shonyo v. Brian Shonyo (151 AD3d 1595) - matter remitted to Family Court to fashion visitation schedule for holidays and school breaks.

People v. Stephanie A. Meacham (151 AD3d 1666) - sentence for gang assault in the first degree reduced from 13 years to 10 years.

People v. Kenneth R. W. Chaires (150 AD3d 1326) - waiver of appeal invalid.

People v. James D. Minckler (149 AD3d 1526) - reversal of judgment of conviction for crime of burglary in second degree due to failing to order Criminal Procedure Law Article 730 examination, and denial of effective assistance of counsel when defendant allowed to decide whether lesser included offense charged or not.

People v. Robert J. Sampson (149 AD3d 1486) - waiver of right to appeal in drug court contract invalid.

Chase Home Finance v. Howland (149 AD3d 1405 - order granting lender summary judgment in mortgage foreclosure action affirmed.

People v. Patrick J. Elliot (\_\_ Misc. 3d \_\_ [Lewis County Court; 4/12/17]) - retained by Lewis County to represent the People of the State of New York and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following his conviction for the crime of rape in the first degree.

Robert R. Sprole, III v. Linda S. Sprole (148 AD3d 1337) - order allowing husband access to his share of investment accounts equitably distributed to him affirmed.

People v. Michael R. Gudridge (\_\_ Misc. 3d \_\_ [Lewis County Court; 2/15/17]) - retained by Lewis County to represent the People of the State of New York and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following his conviction for crime of kidnapping in the second degree.

Matter of Kieffer v. Defrain (147 AD3d 1539) - modification of custody order to delete right of father to relocate the residence of child anywhere in continental United States.

Matter of Lillian SS. (146 AD3d 1088) - dispositional order modified to not require the mother to reside in New York State with her children.

Robert R. Sprole, III v. Linda S. Sprole (145 AD3d 1367) - upheld equitable distribution of \$900,000 payable over 6 year period without interest.

People v. Patrick J. Elliott (145 AD3d 1606) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for crimes of rape in the second degree and endangering the welfare of a child.

People v. Gene D. Rivers (145 AD3d 1591) - amendment of uniform sentence and commitment to correct clerical error.

People v. Allen L. Ricks (145 AD3d 1610) - waiver of appeal invalid.

Matter of Ryan J. Elliott, Jr. v. Brittany Rosario (144 AD3d 1568) - affirmance of order awarding legal and physical custody to mother.

JPMC Specialty Mortgage LLC v. Luis Espada, et al (143 AD3d 611) - order denying motion to dismiss mortgage foreclosure and/or to vacate default affirmed.

Andrews v. County of Cayuga (142 AD3d 1347) - affirmance of order denying defendant's motion for summary judgment.

People v. Lyle F. Davoy, Sr. (142 AD3d 1301) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for the crime of murder in the second degree.

People v. Robert W. Henderson, Jr. (140 AD3d 1761) - decision on appeal held and matter remitted for reconstruction hearing.

People v. William J. Dolan, Jr. (140 AD3d 1681) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for crime of course sexual conduct against a child in the second degree, and agreed that order of protection was overly broad since it related to individuals unrelated to the criminal action.

People v. Daniel Rounds (140 AD3d 1657) - retained by Lewis County to represent the People of the State of New York to uphold

judgment of conviction for crime of criminal sex act in the first degree.

People v. Theodore Tyler (140 AD3d 1617) - amount of restitution vacated and matter remanded for a restitution hearing.

US Bank N.A. v. Wanys Martinez (139 AD3d 548) - denial of motion to vacate default judgment in mortgage foreclosure action affirmed with costs.

People v. Cody J. Woodard (139 AD3d 1238) - waiver of appeal invalid.

People v. Joshua LaRock (139 AD3d 1241) - waiver of appeal invalid.

First Data Merchant Services v. Carmine Patrella, et al (\_\_\_ Misc.3d \_\_\_ [Monroe County Court; 4/29/16]) - order dismissing action reversed and default money judgment entered against defendant.

People v. Jose Garcia Cruz (138 AD3d 1414) - waiver of appeal invalid.

Matter of Cindy Tucker v. Daniel Miller (138 AD3d 1383) - evidence legally insufficient as to family offense of stalking.

People v. Michael Kocsis (137 AD3d 1476) - judgment of conviction for crime of criminal possession of a forged instrument in the second degree reversed due to deprivation for fair trial because trial court improperly provided guidance and instructions to prosecution on the rules of evidence.

People v. Joshua Love (137 AD3d 1486) - sentence for crime of rape in the third degree vacated and matter remitted for sentencing.

Matter of Rusty W. Tuttle v. Tracy S. Tuttle (137 AD3d 1725) - affirmance of order awarding primary physical residence of child to father.

Matter of Yvette Noble v. Leon C. Brown, Sr. (137 AD3d 1714) - reinstated mother's custody petition.

Matter of Estate of Shirley T. Trombley (137 AD3d 1641) - modification of order to require daughter to return to her mother's estate all of the proceeds of the mother's certificates of deposit.

HSBC Bank USA v. Espinal (137 AD3d 1079) - order reversed and lender's motion for summary judgment and appointment of referee granted in mortgage foreclosure action.

Pirro & Sons, Inc. v. Thomas J. Pirro, Jr. Funeral Home, et al (137 AD3d 1609) - reversal of dismissal of petition for an injunction and conversion of special proceeding into an action.

People v. Daniel Miller (\_\_\_\_ Misc3d \_\_\_\_ [Yates County Court; 2/18/16]) - judgment of conviction for crime of criminal contempt reversed and accusatory instrument dismissed.

People v. Cynthia L. Oberdorf (136 AD3d 1291) - amendment of certificate of conviction to reflect correct sentence.

JP Morgan Chase v. Christine Bussone (136 AD3d 1342) - affirmance of lender's summary judgment motion in foreclosure action.

JGB Properties v. Town of Clay, et al (136 AD3d 1302) - retained by Town of Clay to uphold dismissal of RPAPL lawsuit against Town.

People v. Dejuan J. Butler (134 AD3d 1349) - modification of uniform sentence and commitment form to reflect correct sentencing status.

People v. Gary Lowe a/k/a "Pops" (133 AD3d 1099) - reversal of manslaughter judgment of conviction due to defective guilty plea.

People v. Richard D. Shaw (133 AD3d 1312) - waiver of appeal invalid.

Matter of Jay Morse - Administrative Parole Appeal - (10/16/15) determination to deny parole reversed and de novo hearing ordered.

Matter of Courtney Campbell v. Bryant Knapp (132 AD3d 1420) - order modified to grant father visitation on birthdays and holidays.

First Franklin Financial Corporation v. William Norton (132 AD3d 1423) - order modified to reinstate cancelled mortgage and discharged by the trial court.

People v. Byron M. Ielfield (132 AD3d 1298) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for the crimes of sexual abuse in the first degree and endangering the welfare of a child.

People v. Allen Farmer (132 AD3d 1238) - waiver of appeal invalid.

Morgan Stanley Mortgage Loan Trust v. Joel Waldman (131 AD3d 1140) - reversal with costs of order which had vacated default judgment in foreclosure action and dismissed the complaint.

People v. Andy Ashkar (130 AD3d 1568) - reduction of defendant's sentence from 8 1/3 years to 25 years to 5 years to 15 years.

Kovalsky-Carr Electric Supply Co., Inc. v. Hartford Casualty Insurance Company, et al (130 AD3d 1534) - money judgment affirmed in breach of contract action.

Domenic Maggio v. Ronald John Dougherty, et al (130 AD3d 1446) - medical malpractice complaint reinstated following dismissal as a sanction for defective expert disclosure.

People v. Paul O'Neill (139 AD3d 1382) - judgment of conviction for use of child in a sexual performance and course of sexual conduct against a child in the first degree reversed as a matter of law.

People v. Kurt J. Hazzard (129 AD3d 1598) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for crime of rape in the first degree following a jury trial.

Matter of Gunn v. Gunn (129 AD3d 1533) - order awarding father sole legal and primary custody reversed and matter remitted for an expedited hearing.

Matter of Estate of Robyn Lewis (25 NY3d 456) - modification of order admitting will to probate and remand to surrogate court for proponent of will to prove will entitled to be probated.

People v. Robert C. Diehl (128 AD3d 1409) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for crimes of attempted grand larceny in the third degree, offering a false instrument for filing in the first degree and official misconduct.

People v. Michael K. Labaff (127 AD3d 1471) - waiver of appeal invalid and matter remitted for entry of amended sentence and commitment form to reflect correct sentence category.

People v. Richard Pitcher (126 AD3d 1471) - waiver of appeal



invalid.

Schwezmann & Wise, P.C. v. Town of Hounsfield (126 AD3d 1483) - reversal of money judgment awarding law firm legal fees.

Matter of Patrick Eller v. Maryna Eller (126 AD3d 1242) - affirmed dismissal of father's petition for custody.

People v. Clemon Jones (25 NY3d 57) - persistent felony statute constitutional even though prior felony convictions are not crimes in New York State.

People v. Kenneth M. Fowler (126 AD3d 1381) - trial court abused discretion in its Sandoval ruling.

Matter of Mayes v. LaPlatney (125 AD3d 1488) - affirmance of order awarding father joint legal custody and shared physical custody of child.

Matter of Tyronne D. (24 NY3d 661) - venue can be changed for Mental Hygiene Law Article 10 annual review hearings and individual may waive presence at hearing without waiving hearing itself.

People v. Paul D. Middlemiss (125 AD3d 1065) - Level III SORA determination reversed since defendant improperly allowed to proceed pro se.

David H. Kernan v. Trajanka Williams (125 AD3d 1440) - modification of judgment vacating determination that plaintiff owned underwater lands in North Bay, St. Lawrence River.

People v. Michelle A. Disotell (123 AD3d 1230) - waiver of appeal invalid and remittal for resentencing on correct charges pled guilty to.

People v. Frederick Burtch (\_\_\_ Misc3d\_\_\_ [Onondaga County Court; 11/24/14]) - modification of sentence from a year in jail to conditional discharge, vacatur of fine and of order requiring payment of assigned counsel fees.

Matter of Lori Dehimer Trust (122 AD3d 1352) - reinstatement of claim of breach of fiduciary duty involving a \$2.5 million trust.

People v. Robert Dukes (122 AD3d 1370) - reversal of judgment of conviction for crimes of Criminal Sexual Act in the First Degree and Rape in the First Degree as being duplicitous.

People v. George Santos (122 AD3d 1394) - retained by Lewis County to uphold judgment of conviction of crimes of criminal possession and sale of controlled substances.

Matter of Lanzafame v. Jones (121 AD3d 1598) - affirmance of dismissal of petition claiming willful violation of Order of Protection.

Matter of Tyler W (121 AD3d 1572) - disposition of neglect proceeding vacated and new dispositional hearing required.

Matter of Joslyn U (121 AD3d 1521) - order finding that mother neglected children reversed because mother denied due process when attorney withdrew and hearing continued in her absence.

People v. James F. Munafo, Sr. (119 AD3d 1102) - SORA risk Level III classification reversed and matter remitted for further proceedings.

Robert B. v. Linda B. (119 AD3d 1006) - affirmance of order awarding sole custody of parties youngest daughter to father.

People v. Raymond Lyman (119 AD3d 968) - award of restitution vacated and matter remitted for restitution hearing.

Dixon v. Superior Discounts and Custom Muffler, et.al. (118 AD3d1487) - reversal of order dismissing slip and fall complaint and reinstatement of complaint.

People v. Jason L. Loper (118 AD3d 1394) - sentence vacated and matter remitted for filing of a predicate felony offender statement and resentencing.

People v. Jeremiah Jones (118 AD3d 1354) - waiver of appeal invalid.

People v. Shadaje Mobley (118 AD3d 1336) - waiver of appeal invalid.

Timothy D. Gay v. Maria Gay (118 AD3d 1331) - obligation to maintain life insurance modified to provide obligation ceases upon termination of child support obligations.

People v. Daniel Bradford, Jr. (118 AD3d 1254) - reversal of judgment of conviction for crime of Tampering with Physical

Evidence and dismissal of charge and vacatur of sentences imposed due to discrepancy between sentencing minutes and certificate of conviction.

People v. Paul O'Neill (116 AD3d 1240) - waiver of appeal invalid.

People v. Lyndon S. Clark ( \_\_\_ Misc3d \_\_\_ [3/12/14; Onondaga County Court]) - jail and probationary sentence modified to conditional discharge.

Wells Fargo Bank, N.A. v. Gioia, et. al. (114 AD3d 766) - reversal of order vacating order of reference, dismissing the complaint and vacating the notice of pendency in mortgage foreclosure action.

Matter of Angela F (113 AD3d 889) - order reducing visitation and denying request to have stepfather supervise visitation reversed and matter remitted for further proceedings.

People v. Clemon Jones (109 AD3d 1108) - trial court's decision did not satisfy statutory requirements for Criminal Procedure Law Article 440 Motion.

HSBC Mortgage Services v. Iqbal Talip, et al (111 AD3d 889) - order denying Motion to Vacate Judgment of Foreclosure affirmed.

Matter of Ross Brewer v. Dawn Soles (111 AD3d 1403) - order transferring primary physical placement of child from mother to father affirmed.

People v. Anthony Griffin (111 AD3d 1413) - modification of judgment of conviction by reversing conviction for Criminal Possession of a Weapon in the Third Degree and Intimidating a Victim or Witness in the Second Degree and dismissal of those crimes.

People v. Michael J. Judd, Jr. (111 AD3d 1421) - waiver of appeal invalid and fine vacated.

Matter of Dakota F., et al (110 AD3d 1151) - reversal of termination of parental rights due to alleged mental illness of parent and dismissal of petition.

Matter of Ameillia RR. (96 AD3d 1244) - affirmance of grant of Protective Order to non-respondent parent.

People v. Brendan J. Rhodes (91 AD3d 1210(A)) - prison sentence reduced from 15 years to 12 years due to vindictiveness.

United States v. James Anderson Campbell, Jr., et al. (723 F3d 366 [2<sup>nd</sup> Cir. 2013]) - defendant's sentence vacated because it was procedurally unreasonable.

People v. Jeremy M. Hardcastle (\_\_\_\_ Misc3d\_\_\_\_ [St. Lawrence County Court; 7/17/13]) - affirmed Town Court's dismissal of violation of Agriculture and Markets Law §353.

Katherine M. Almonte v. Robert J. Almonte (108 AD3d 1056) - affirmance of judgment of divorce with correction of judge's mathematical error.

People v. Robert Jackson (108 AD3d 1079) - correction of uniform sentence and commitment record.

Matter of Nicholas S. (107 AD3d 1307) - finding of derivative severe abuse vacated.

Matter of Norman E. Roth et al v. City of Syracuse, et al. (20 NY3d 1078) - retained by City of Syracuse to uphold tax assessment in regard to first time Court of Appeals considered impact of lead paint contamination on market value.

Stephenson and Kavanaugh v. Fleming and Chiacchia and Fleming, LLP (107 AD3d 1474) - affirmance of order denying motion to dismiss summons with notice.

People v. Shaun K. Elliott (107 AD3d 1466) - retained by Lewis County to represent the People of the State of New York in upholding criminal sale of controlled substance in the third degree judgment of conviction.

People v. Jack Lukens (107 AD3d 1406) - judgment of conviction for crime of grand larceny in the fourth degree reduced to petit larceny.

People v. Michael S. Hirsh (106 AD3d 1546) - reduction of defendant's sentence from 2½ years to 1½ years.

People v. Paul D. Middlemiss (105 AD3d 1268) - reversal of SORA Level III risk assessment and remand for new hearing.

White v. Farrell (20 NY3d 487) - established standard for measure

of damages for buyer's breach of contract to sell residential real property.

People v. Steven M. Pieper (104 AD3d 1225) - defendant's waiver of appeal invalid.

Timothy Ford, M.D. v. Cardiovascular Specialists, P.C. (103 AD3d 1222) - affirmed dismissal of counterclaim for liquidated damages in employment dispute and limited employee's recovery to actual damages, if any.

People v. Brandon M. Secore (102 AD3d 1057) - waiver of appeal ruled invalid.

People v. Brandon M. Secore (102 AD3d 1059) - waiver of appeal ruled invalid.

Matter of the Estate of Gloria H. Lambert (103 AD3d 1099) - order denying motion to vacate decree of probate and granting motion for appointment of successor executor affirmed.

Matter of Maria A. Venus v. Ryan Brennan (103 AD3d 1115) - reversal of order which denied mother's petition to relocate, with parties child, to New York City area.

Key Bank, N.A. v. Connie L. Conti as Administrator of the Estate of Bramer (100 AD3d 1318) - affirmance of bank's motion for summary judgment in mortgage foreclosure action.

People v. James 'Pops' Beard (100 AD3d 1508) - judgment of conviction for crimes of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree reversed and new trial ordered because trial court violated defendant's right to counsel.

People v. Alan Jones (100 AD3d 1362) - reduction of judgment of conviction for murder in the second degree to manslaughter in the second degree.

People v. Chester Warren (100 AD3d 1399) - new trial for defendant convicted of the crimes of sexual abuse in the first degree and endangering the welfare of a child.

Deutsche Bank Trust Company v. Ghaness (100 AD3d 585) - order denying re-argument of mortgage foreclosure action affirmed with costs.

People v. Donna Gardner (\_\_\_\_ Misc 3d\_\_\_\_ [Oswego County Court - 10/25/12]) - reversal of judgment of conviction for failure to stop at a stop sign and new trial ordered.

Matter of Sawyer Fewell v. Ratzel (99 AD3d 1237) - reinstatement of father's petition for visitation with child and new hearing ordered.

U.S. Bank, N.A. v. Javier Gonzalez (99 AD3d 694) - reversal of dismissal of foreclosure action and affirmance of imposition of sanction on prior law firm.

Matter of Gregory A. Kairis v. Belinda A. Smith-Kairis (98 AD3d 1281) - reversal of award of sole legal custody to father, and mother awarded joint custody with physical placement of child.

Herr v. Herr (97 AD3d 961) - reversal of order rescinding parties prenuptial agreement.

Matter of Ameillia RR (96 AD3d 1244) - dismissal of mother's appeal of protective order granted to father.

People v. Mark J. Davis (96 AD3d 1512) - obtained coram nobis relief for client after failing to raise issue on direct appeal.

Shute v. McLusky and Bloom [Appeal No. 2] (96 AD3d 1362) - trial court incorrectly settled record on appeal.

Shute v. McLusky and Bloom [Appeal No. 2] (96 AD3d 1360) - reversal of order granting defendant McLusky an easement over Shute's property; and reversal of order dismissing Shute's claim for damage to trees following bequest of real property to Shute.

Matter of Brian Fontaine v. Mary K. Fontaine (94 AD3d 1430) - order requiring father to have supervised visitation reversed and matter remitted for new hearing.

People v. Henry Meddley (\_\_\_\_ Misc. 3d\_\_\_\_ [St. Lawrence County Court - 4/5/12]) - defendant's waiver of appeal in village court invalid.

Ellen J. Gallagher v. Edward R. Gallagher (93 AD3d 1311) - marital asset subject to equitable distribution reduced by \$95,196 and restriction on husband from purchasing real property vacated.

People v. Jonas F. Vasavada (93 AD3d 893) - amendment of

certificate of conviction to reflect correct sentence.

Kimberly Rooney v. John Rooney (92 AD3d 1294) - modification of divorce judgment to allow husband to claim children for tax purposes.

Matter of Shirley Holland v. Judge Holland (92 AD3d 1096) - reversal of delegation to child counselor of decision whether to permit supervised visitation and vacatur of order of protection.

Matter of Dakota F. (92 AD3d 1097) - appeal of permanency hearing order not moot and reversal of order due to failure to consult with child and imposition of concurrent and inherently contradictory permanency goals.

People v. Frederick Bona (92 AD3d 1242) - reversal of drug court judgment of conviction and remittal to county court.

People v. Brendan J. Rhodes (91 AD3d 1280) - sentence vacated and matter remitted to give defendant promised sentence or withdraw guilty plea.

People v. Mark A. Westbrooks (90 AD3d 1536) - retained by Lewis County to represent the People of the State of New York in upholding spousal rape judgment of conviction.

People v. Harry E. Klages, II (90 AD3d 1149) - defendant's waiver of right to appeal invalid.

Matter of Hillary M. Revet v. Justin J. Revet (87 AD3d 1175) - order granting father increased visitation reversed.

People v. Kenneth A. Denny (87 AD3d 1230) - SORA Risk Level III vacated and matter remanded for new hearing.

Matter of Wanda Middlemiss v. Vincent A. Pratt - (86 AD3d 658) - reversal of custody order and remittal for full hearing before different judge.

Matter of Anthony WW [Karen WW] (86 AD3d 654) - reversal of order terminating parental rights based on mental illness and dismissal of petition.

Matter of Kim Titus v. Paul Martin (\_\_\_ Misc \_\_\_ [Onondaga County Family Court - 6/27/11]) - vacatur of father's support order.

Matter of Margaret Harvey v. Thomas Benedict (83 AD3d 1402) - reversal of support Order due to inadequate financial disclosure.

People v. Derek Backus (81 AD3d 1467) - indeterminate prison sentence reduced to one year sentence which defendant had already served; trial court's remarks about appellate counsel were intemperate.

Matter of Susan Barney v. Dennis Van Auken (81 AD3d 1129) - reversal of order requiring father to pay child support.

Jelfo v. Jelfo (81 AD3d 1257) - vacated requirement that husband pay wife's counsel fees on his support modification motion.

Deutsche Bank National Trust Co. v. Rudman (80 AD3d 651) - order granting judgment of foreclosure and sale and denying motion to vacate default affirmed.

Matter of St. Lawrence County o/b/o Joanne Petrie v. Vincent Pratt (80 AD3d 826) - first appellate court decision regarding denial of good time allowance during jail term for non support.

Matter of Michelle C. Hissam v. Matthew P. Mancini (80 AD3d 802) - order conditioning mother's visitation on posting a bond vacated.

Matter of Warrior v. Beatman (79 AD3d 1770) - reinstatement of dismissed petition for violation of visitation order and remittal for hearing.

People v. Ato V. Cooper (79 AD3d 1684) - defendant's waiver of right to appeal invalid.

McKenzie Banking Company v. Craig J. Billingson (79 AD3d 1728) - reinstatement of complaint following dismissal due to plaintiff being a foreign corporation.

Suburban Tool & Die Co., Inc. v. Century Mold Company (78 AD3d 1530) - reversal of grant of summary judgment to defendant regarding breach of contract claim.

Richter v. Richter (77 AD3d 1470) - modification of judgment of divorce and remittal to determine amount of life insurance to ensure share of pension and equitable apportionment of cost.

People v. Alan G. Bigwarfe (\_\_\_ Misc 3d \_\_\_ [St. Lawrence County Court - 10/6/10]) - reduction of restitution surcharge to 5% from 10%.



People v. Donald P. LaDue (\_\_\_ Misc 3d \_\_\_ [St. Lawrence County Court - 8/23/10]) - modification of terms and conditions of probation regarding drug treatment.

Rusho and Rusho v. State of New York (76 AD3d 783) - reversal of dismissal of claim and grant of summary judgment as to liability involving motor vehicle accident.

People v. Jason A. Bouchey (\_\_\_ Misc. 3d \_\_\_ [St. Lawrence County Court -08/19/10]) - guilty plea was not knowingly, intelligently, and voluntarily entered.

People v. Ricky D. Judware (75 AD3d 841) - reversed conviction of burglary in the second degree and dismissal of that count of Indictment.

Dean v. City of Utica (75 AD3d 1130) - reinstatement of Labor Law §240(1) claim.

People v. Mark LaFlesh (\_\_\_ Misc 3d \_\_\_ [St. Lawrence County Court - 6/9/10]) - modification of sentence to delete any restriction on return of weapons to defendant.

Fox, Alford and Edwards v. David A. Paterson (715 F. Supp. 2d 431 [WDNY 2010) - Governor of New York has a mandatory duty to proclaim a special election to fill a vacancy (29<sup>th</sup> CD) in the House of Representatives.

People v. Derek Backus (14 NY3d 876) - county court lacks power to vacate conviction or plea and is required to resentence defendant in accordance with the law.

People v. Michael L. Schrock (73 AD3d 1429) - sentence for attempted murder in the first degree and robbery in the first degree are to be served concurrently.

Matter of Wilder v. Wilder (72 AD3d 1570) - affirmed dismissal of petition for modification of custody.

People v. Ryan J. Clement (71 AD3d 1458) - retained by Lewis County to represent the People of the State of New York to uphold judgment of conviction for crimes of criminal sexual act in the first degree, sexual abuse in the first degree, and endangering the welfare of a child.

People v. Robert E. Hayes, IV (71 AD3d 1477) - reduction of defendant's sentence to 10 years from 15 years.

Gillion v. Traina 70 AD3d 1443) - affirmance of \$71,200.00 money judgment awarded after trial.

People V. Jorge N.T. (70 AD3d 1456) - sentence of imprisonment reduced to 4 years due to defendant's adjudication as a youthful offender.

People v. Royal D. Nuffer (70 AD3d 1299) - retained by Lewis County to represent the People of the State of New York in upholding criminal contempt in the second degree judgment of conviction.

People v. Michael D. Pierce (70 AD3d 1314) - retained by Lewis County to represent the People of the State of New York in upholding SORA Risk Level III determination.

People v. William Anderson (70 AD3d 1320) - restitution vacated.

Kingsley v. Kingsley (69 AD3d 1105) - affirmed denial of motion to dismiss action to rescind matrimonial stipulation due to failure to disclose true value of law practice.

Matter of Tamera Linn (68 AD3d 1767) - affirmed order allowing mother and child to relocate to another state.

People v. Jeffrey M. Kearns (68 AD3d 1713) - modify SORA Risk Level to Level II from Level III.

People v. Jose R. Perez (67 AD3d 1324) - retained by Seneca County to represent the People of the State of New York in upholding criminal possession of weapon judgment of conviction.

Matter of Anjennet M. Johnson (66 AD3d 1526) - affirmed determination of extraordinary circumstances to warrant award of custody to nonparent.

Matter of Tracy C.O. (66 AD3d 1390) - reversal of order for genetic marker test and remittal for best interest of child hearing.

People v. Melissa Gianni (64 AD3d 1176) - affirmance of dismissal of assault in second degree following review of Grand Jury evidence.

People v. Aaron B. Pike (63 AD3d 1692) - reversed conviction of conspiracy in the second degree and dismissed that count of Indictment.

People v. Michael Pierce (\_\_\_ Misc 3d \_\_\_ [Lewis County Court - 6/1/09]) - retained by Lewis County to represent the People of the State of New York and successfully opposed defendant's Criminal Procedure Law Article 440 Motion following conviction for crime of sexual abuse.

Matter of Anonymous (\_\_\_ AD3d \_\_\_ [4<sup>th</sup> Dept. 4/16/09]) - dismissal of attorney grievance petition following hearing and remittal for letter of admonition.

Matter of Seventh Report of Seneca County Special Grand Jury of January 2007

(60 AD3d 1446) - affirmance of order sealing Grand Jury Report seeking to remove/discipline named individual.

People v. Ryan W. Jacobson (60 AD3d 1326) - vacated forfeiture of money seized at time of defendant's arrest.

Guiffrida, et al v. Storico Development, LLC, et al. (60 AD3d 1286) - vacated award of compensatory and treble damages and remitted for recalculation.

Matter of Eric G. (59 AD3d 785) - reversal of order terminating parental rights.

People v. Dereck Backus (56 AD3d 1119) - consecutive sentences for vehicular assault and driving while intoxicated vacated.

Matter of Minner (56 AD3d 1198) - reversal of order denying relocation and remittal for new hearing.

People v. Lawrence K. Higgins (55 AD3d 1303) - retained by Seneca County to represent the People of the State of New York in upholding Level II SORA Risk Level.

Matter of Krug v. Krug (55 AD3d 1373) - affirmance of order allowing father unsupervised visitation.

People v. Brandon A. Hayward (52 AD3d 1243) - modification of SORA Risk Level to Level II from Level III.

Ryan v. Corbett (52 AD3d 1270) - affirmance of money judgment for breach of contract in residential sale.

Matter of John H. H. (52 AD3d 879) - affirmance of order granting father primary physical and legal custody of child.

United States v. Liddy Moya (276 Fed Appx 30 2<sup>nd</sup> Cir. 2008) - remand to District Court for resentence.

Matter of Seneca County Special Grand Jury of 2007, Report No. 7 - Second Named Subject (\_\_\_ Misc 3d \_\_\_ [Seneca County Court 2/28/08]) - sealed Grand Jury Report seeking to remove/discipline named individual.

People v. Eric Hasenflue (48 AD3d 888) - reversal of conviction due to defendant's lack of competency to stand trial.

People v. Mia L. Smith (48 AD3d 1171) - remittal to determine duration of order of protection.

Matter of Howard (47 AD3d 1154) - reversal of order dismissing father's petition to modify visitation.

People v. James H. VanPatten (48 AD3d 30) - reversal of conviction for making a terroristic threat and new trial ordered.

Zender v. Madison-Oneida County BOCES, et al. (46 AD3d 1361) - reversal of denial of summary judgment as to Labor Law §240(1) liability and reinstatement of Labor Law §200 claim.

People v. Brad I. Keefer (\_\_\_ Misc 3d \_\_\_ [Lewis County Court - 12/10/07]) - retained by Lewis County to represent the People of the State of New York in upholding murder judgment of conviction in CPL Article 440 Motion.

Matter of Guardianship of Carl K. D. (45 AD3d 1441) - reversal of order terminating Mental Hygiene Law Article 81 guardianship.

People v. Joseph M. DeLorenzo, Jr. (45 AD3d 1402) - retained by Lewis County to represent the People of the State of New York in and successfully upheld judgment of conviction for the crimes of sodomy, endangering the welfare of a child and menacing judgment of conviction.

Matter of Paul E. Skavina (43 AD3d 1452) - reinstatement to practice law after suspension.

People v. Christopher A. Abar (42 AD3d 676) - reversal of conviction for assault in the first degree and dismissal of

Indictment.

People v. Gary B. Pryce (41 AD3d 983) - reversal of conviction for sexual abuse in the first degree.

People v. Christopher Chianese (41 AD3d 1168) - retained by Seneca County to represent the People of the State of New York in upholding arson in the third degree judgment of conviction.

People v. Joseph Zorzenon (41 AD3d 1288) - retained by Seneca County to represent the People of the State of New York in upholding attempted promoting prison contraband judgment of conviction.

United States v. Juan Berroa-Nunez (216 Fed Appx 131 [2<sup>nd</sup> Cir. 2007]) - remand to District Court for Crosby resentence.

DeLapp v. DeLapp (37 AD3d 1161) - modification of QDRO to reflect husband's increased pension benefits as separate property.

Matter of Nicholas E.C. (35 AD3d 1233) - affirmance of order awarding sole custody to father.

Matter of David W. Hassig (34 AD3d 1089) - reversal of order denying father custody and visitation.

Matter of Gionna L. (33 AD3d 1168) - affirmance of order dispensing with consent of birth father to adoption.

Matter of Carousel Center Company, L.P. v. City of Syracuse (\_\_\_ AD3d \_\_\_ [4<sup>th</sup> Dept. 8/17/06]) - retained by Syracuse Common Council to seek to vacate dismissal of appeal taken by City of Syracuse.

People v. Alton R. Nugent (31 AD3d 976) - remittal to determine duration of order of protection.

Hoffman v. Herbert (2006 WL 188603 [WDNY 2006]) - petition for Writ of Habeas Corpus granted and petitioner released from custody for time already served.

Shanley v. Welch (31 AD3d 1127) - reinstatement of legal malpractice complaint against scrivener of property settlement agreement.

Ryan v. Corbett (30 AD3d 1062) - reinstatement of action for breach of contract involving a residential sale.

Matter of Natali (30 AD3d 1010) - affirmance of order that failure to pay child support was not willful.

United States v. Tyler Bulluck (182 Fed Appx 7 [2nd Cir 2006]) - defendant's sentence vacated because prosecutor violated plea agreement by arguments at sentence.

Hoffman v. Herbert (176 Fed Appx 166 [2<sup>nd</sup> Cir 2006]) - remanded to District Court to determine if there was a reasonable probability that plea bargain, if communicated, would have been accepted.

People v. Susan L. Hare (27 AD3d 1171) - remittal to determine duration of order of protection.

Matter of McAuley v. Martin (24 AD3d 1254) - reversal of custody award to provide for primary physical placement of child with mother.

People v. Eric Hasenflue (24 AD3d 1017) - remittal to trial court to determine defendant's competency in accordance with Criminal Procedure Law Article 730.

Petrosino v. Petrosino (24 AD3d 1210) - vacated default judgment and obtained dismissal of partition action.

Matter of Mehaffy v. Mehaffy (23 AD3d 935) - reversal of order permitting father to relocate with son to another county.

People v. Jerry C. Stearns (21 AD3d 1441) - retained by Seneca County to represent the People of the State of New York in upholding attempted criminal sex act judgment of conviction.

People v. Michael T. Diefenbacher (21 AD3d 1293) - vacated re-sentence because defendant not present in court at that time.

Sterling v. Sterling (21 AD3d 663) - upheld determination, after trial, that brothers operated farm as a partnership and award of 22% share to plaintiff, following an accounting.

People v. Harry C. Fleegle (20 AD3d 684) - reversal of judgment of conviction for sexual abuse in the first degree, and dismissal of that charge.

People v. William P. Scutt (19 AD3d 1131) - retained by Seneca County to represent the People of the State of New York in upholding offering false instrument for filing and endangering welfare of a child judgment of conviction.

Matter of (Ross) Burns v. Ross (19 AD3d 801) - upheld determination that father failed to pay child support, and denial of request for downward modification of support obligation.

People v. Jeffery T. Glanda (18 AD3d 956) - reversal of judgment of conviction for reckless endangerment in the first degree, and dismissal of that charge.

United States v. Troy Vaval (404 F3d 144 [2<sup>nd</sup> Cir. 2005]) - defendant's sentence vacated because prosecutor violated plea agreement by engaging in sentencing advocacy.

People v. Peter Hill (17 AD3d 715) - reversal of SORA Risk Level III classification because statutory procedures not followed.

Vacca v. Valerino (16 AD3d 1159) - affirmed judgment awarding monetary damages, after trial, in regard to defendant's construction of retaining wall in plaintiff's property.

People v. Lori Santilli (16 AD3d 1056) - retained by Seneca County to represent the People of the State of New York in upholding criminal possession of controlled substance judgment of conviction.

Ross v. Ross (Burns) (16 AD3d 713) - upheld distribution of husband's Social Security supplemental benefits in the parties QDRO.

United States v. Jerome Crosby (397 F3d 103 [2<sup>nd</sup> Cir. 2005]) - established procedures to be following in reviewing Federal sentences imposed under the then mandatory sentencing guidelines.

Barr v. County Motor Car Group, Inc., et al. (15 AD3d 985) - vacated award of damages for taxes, utility costs, insurance premiums and other costs awarded as the result of the breach of the lease agreement, and \$275,319.55 returned to Carbone Motor Sales with interest.

United States v. Luz Marina Munoz (396 F3d 189 [2<sup>nd</sup> Cir. 2005]) - defendant's plea of guilty vacated because plea of guilty, which took place in District Court Judge's robing room, violated the First Amendment.

People v. Robert W. Mergenthaler (13 AD3d 984) - reversal of judgment of conviction and dismissal of Indictment due to double jeopardy.

Matter of Claim of Paradise (13 AD3d 764) - affirmed decision of WCB that claimant sustained a compensable injury.

Matter of Kargoe v. Mitchell (12 AD3d 978) - reversal of award of supervised visitation at mother's discretion.

People v. Roy Larew (11 AD3d 727) - reduction of minimum sentence for attempted murder and sentence for burglary to be served concurrently not consecutively.

Matter of Jocelyne J. (8 AD3d 978) - reversal of determination of derivative neglect.

People v. David S. Smith (8 AD3d 965) - reversal of judgment of conviction because challenge for cause improperly denied.

People v. Antonio Brown (6 AD3d 1125) - retained by Seneca County to represent the People of the State of New York in upholding promoting prison contraband judgment of conviction.

Shanley v. Welch (6 AD3d 1065) - reinstatement of legal malpractice complaint against scrivener of property settlement agreement.

People v. Anthony Lewis (2 NY3d 224) - new trial ordered after lawyer testified against client at Sirois Hearing.

Matter of Charles A. Schiano (5 AD3d 1127) - reinstatement to practice of law after disbarment for over 16 years.

People v. Cornelius N. James (4 AD3d 774) - predicate felony sentence vacated.

People v. James E. Petrie (3 AD3d 65) - reversal of judgment of conviction because alleged victim's testimony not corroborated.

People v. Theodore Jenkins (2 AD3d 1390) - retained by Seneca County to represent the People of the State of New York in reversing order dismissing Indictment.

People v. Paul M. Berrus (1 NY3d 535) - retained by Lewis County to represent the People of the State of New York in reversing order dismissing simplified traffic information in the interest of justice.



Michelle Anderson v. House of Good Samaritan Hospital, et al. (1 AD3d 970) - reversal of order denying plaintiff copies defendants' insurance policies.

Matter of Elliott v. Major (1 AD3d 940) - reversal of order removing children from father's custody.

Matter of Joseph H. Hobika, Jr. (307 AD2d 780) - reinstatement to practice of law after suspension for over 3 years.

People v. John D. Vanille (307 AD2d 778) - appointed Special Prosecutor by Appellate Division, and judgment of conviction affirmed.

Matter of Rogers v. Fodor (307 AD2d 395) - reversal of Family Court order denying mother visitation.

People v. Steven W. Burnett (306 AD2d 947) - retained by Seneca County to represent the People of the State of New York in upholding conviction of correction office of sexual abuse of inmate.

People v. Andrew Turck (305 AD2d 1072) - retained by Lewis County to represent the People of the State of New York and successfully upheld judgment of conviction for the crimes of burglary and robbery.

Merle v. Merle (305 AD2d 1060) - affirmed denial of application to compel transfer of real property.

Filkins v. Filkins (303 AD2d 935) - modified judgment of divorce by decreasing husband's payment to wife by approximately \$75,000.

Farrell v. Okeic (303 AD2d 957) - affirmed denial of successive summary judgment motion.

People v. William H. Allen (301 AD2d 57) - retained by Seneca County to represent the People of the State of New York in upholding murderer's judgment of conviction.

People v. David Jenkins (300 AD2d 751) - remitted to county court for resentencing due to discrepancy between sentencing minutes and sentence and commitment.

People v. Larry A. Bates (299 AD2d 727) - predicate felony sentence vacated.

People v. Cornelius N. James (299 AD2d 932) - predicate felony sentence vacated.

Pugliese v. Utica National Insurance Group, Inc. (295 AD2d 992) - affirmed denial of summary judgment due to fact question as to whether ice was visible.

People v. Sean Jordan (292 AD2d 860) - vacated award of restitution due to it being improperly determined.

Matter of Fiori v. Fiori (291 AD2d 900) - reversal of grant of summary judgment which dismissed father's petition for custody of child.

People v. Michael C. Walker (289 AD2d 1074) - suppression of drugs found in taxicab, and dismissal of indictment.

People v. Dean Wright (288 AD2d 899) - vacated award of restitution because it was improperly determined.

Town of Mentz v. Crandall (288 AD2d 841) - reversed permanent injunction regarding zoning violation.

Crandall v. Town of Mentz (\_\_\_ AD2d \_\_\_ [4<sup>th</sup> Dept. 7/27/01]) - stay Town from issuing any process for failure to obtain junkyard license.

People v. Isaac W. Saletnik (285 AD2d 665) - vacated sentence because it violated the plea bargain.

People v. Ismael Flecha (283 AD2d 1023) - reversed award of restitution because it was not part of plea bargain.

People v. Scander N. Astafan (283 AD2d 907) - reversed conviction, after trial, because of defense counsel's conflict of interest.

Town of Mentz v. Crandall (\_\_\_ AD2d \_\_\_ [4<sup>th</sup> Dept. 4/2/01]) - stay of enforcement of permanent injunction regarding zoning violation.

People v. Reginald Young (281 AD2d 950) - vacated award of restitution due to it being improperly determined.

People v. Larry Comfort (281 AD2d 950) - re-sentence of defendant with updated pre-sentence report 18 years after modification of judgment of conviction.

Robertson v. House of God (278 AD2d 884) - affirmed approval of

late filing of Note of Issue.

Ispahani v. Ispahani (277 AD2d 1057) - reversal of award of custody of child to mother without evidentiary hearing.

Matter of the Estate of Charles J. David, Deceased (275 AD2d 964) - reversal of order prohibiting the transfer of deceased's 99 year lease to his estate.

People v. Naaron K. Dunbar (275 AD2d 968) - reversed conviction of criminal use of a firearm and dismissed that count of the Indictment.

Jacobson v. Balducci (273 AD2d 952) - affirmed approval of late service of Bill of Particulars and Discovery responses.

People v. Timothy Makas (273 AD2d 510) - reversed conviction because of inadequate plea allocution.

Everding v. Bombard (272 AD2d 937) - affirmed award of money damages because of flooding caused by homeowner.

Cappuccilli v. Krupp Equity Limited Partnership (269 AD2d 822) - reversed summary judgment which dismissed broker's commission lawsuit.

Matter of Gray v. Novick (269 AD2d 746) - affirmed decision of Hearing Officer Cirando following Civil Service Law Hearing.

Farrell v. Okeic (266 AD2d 892) - reinstated common-law negligence and Labor Law §200 claims.

People v. Jeremy L. White (266 AD2d 831) - vacated award of restitution because it was improperly determined.

Constandinou v. Constandinou (265 AD2d 890) - upheld entry of Canadian money judgment in New York State.

People v. James D. Minckler (265 AD2d 799) - modified consecutive prison sentences determined to be unduly harsh and severe.

People v. Joseph B. McGrath (262 AD2d 1043) - reversed defendant's conviction for drug sale and Indictment dismissed.

Matter of Collum v. Kelley (262 AD2d 1057) - New York courts required to defer custody determination to North Carolina courts.

Matter of Dimkos v. State Liquor Authority (261 AD2d 927) - modified revocation of liquor license to suspension of liquor license.

Geddes Federal Savings & Loan Association v. Ferrante (261 AD2d 977) - affirmed judgment of foreclosure.

Matter of Christopher "F" (260 AD2d 97) - first appellate determination imposing condition precedent on judicial surrender by natural parent for adoption of child.

United States v. Carlos Galvez-Falconi (174 F3d 255 [2<sup>nd</sup> Cir. 1999]) - District Court has authority to consider defendant's consent to deportation in regard to downward departure under Sentencing Guidelines.

Matter of Burghdurf v. Rogers (256 AD2d 1023) - affirmed dismissal of grandmother's petition to obtain custody of child from mother.

People v. Kevin D. Stuart (255 AD2d 909) - eight counts of judgment of conviction reversed and dismissed.

Matter of Austin v. Austin (254 AD2d 703) - reversed the denial of the mother's request for relocation to Pennsylvania.

Rankin v. Miller (252 AD2d 863) - vacated preclusion order and replaced it with sanctions against the attorney.

People v. Thomas Fetcho (91 NY2d 765) - Attorney General's appeal regarding furnishing Grand Jury minutes to defense counsel.

Matter of the Grand Jury Reports by the Special Grand Jury of Madison County (\_\_\_ Misc2d \_\_\_ [Madison County Court 6/19/98]) - sealed Grand Jury Report critical of named individual.

People v. William W. Johnson (250 AD2d 922; aff'd 93 NY2d 254) - judgment of conviction reversed on the law, and new trial ordered.

Matter of Alisha C. (245 AD2d 1112) - vacated adjudication of neglect and dismissed petition.

People v. Rodney J. Forness (244 AD2d 900) - vacated award of restitution because it was improperly determined.

Geddes Federal Savings & Loan Association v. Ferrante (244 AD2d 965) - dismissed appeal of mortgagor in foreclosure action.

Matter of John A. (244 AD2d 863) - reversed custody order on the law.

People v. Carl E. Swanson (244 AD2d 945) - vacated award of restitution because it was improperly determined.

Tony's Ornamental Iron Works, Inc. v. National Building & Restoration Corp. (237 AD2d 909) - vacated default judgment, entered after attorney failed to respond to Discovery Demands.

People v. Travis "OO" (237 AD2d 646) - judgment of conviction, after trial, reversed, on the law, and new trial ordered.

Matter of Lewis County Department of Social Services o/b/o DeLong v. Greene (236 AD2d 803) - reversed finding of willful violation of support order.

Leuenberger v. McCall (235 AD2d 906) - annulled award denying accidental disability benefits.

Matter of Timothy D. Reeves v. County of Onondaga (89 NY2d 901) - reviewed membership of CNY Regional Market Authority's Board of Directors.

Matter of Alexandria Mary (227 AD2d 44) - Catholic Charities obtained return of infant and dismissal of adoption petition after terminating pre-adoptive placement.

Matter of Burghdurf v. Rogers (233 AD2d 713) - Family Court incorrectly held best interest of child hearing in custody dispute because expert opinion did not create extraordinary circumstance.

Matter of Austin "JJ" (232 AD2d 736) - vacated finding of neglect against grandmother because she was not person responsible for child's care.

People v. Northeast Environmental Services, Inc. (9/96) - Ontario County Court entered trial order of dismissal in regard to environmental law prosecution.

People v. Julia Dominique (229 AD2d 719; aff'd 90 NY2d 880) - vacated award of restitution because trial evidence insufficient to determine amount of restitution.

Hansen v. Hansen (229 AD2d 960) - vacated default judgment as to equitable distribution, maintenance and child support.

Sirota v. Langtry (227 AD2d 955) - vacated award of attorney's fees.

Durantini v. Durantini (225 AD2d 1061) - QDRO vacated with direction to enter correct QDRO.

People v. Clifford Howard (87 NY2d 940) - Rosario does not extend to material within the Department of Correctional Services.

People v. Bruce Gallup (224 AD2d 838) - judgment of conviction reversed and Indictment dismissed because of inordinate delay in charging defendant with crime.

Fleitz v. Fleitz (223 AD2d 946) - Appellate Division modified Judgment of Divorce to award client lifetime maintenance.

People v. Harold R. Frisco (221 AD2d 779) - vacated award of restitution because it was improperly determined.

People v. Eric Smith (217 AD2d 221) - retained by Steuben County to represent the People of the State of New York in upholding 13-year-old murderer's judgment of conviction.

People v. Elliott I. James (217 AD2d 969) - suppression of evidence following pretext vehicle and traffic stop and dismissal of Indictment.

People v. Glen Ireland (217 AD2d 971) - upheld dismissal of Indictment because District Attorney violated speedy trial rule.

People v. Nicholas S. Planty (216 AD2d 895) - dismissed Superior Court Informations because of jurisdictional defect.

People v. Donald R. Self (213 AD2d 998) - suppressed defendant's confession because of custodial interrogation without Miranda Warnings.

Bottini v. Lewis & Judge Company, Inc. (211 AD2d 1006) - recognition of at will nature of employment in reversing summary judgment and dismissing Complaint against employer for post-termination sales commissions.

Knapp v. Leonardo (46 F.3d 170 [2nd Cir. 1995]) - Court of Appeals denied Writ of Habeas Corpus regarding murder trial held in Catholic Church Hall.

People v. Laurie Kellogg (210 AD2d 912) - retained by Seneca

County to represent the People of the State of New York in upholding murderer's judgment of conviction.

Matter of Kelly F. v. Michael G. (206 AD2d 227) - reversed Family Court abuse determination after validator's testimony was found to be insufficient.

People v. Patrick M. Duffy (79 NY2d 611) - first appellate ruling that defendant could be convicted of manslaughter in the second degree for reckless conduct that lead to suicide.

People v. Kenneth Barton (203 AD2d 911) - police search of vehicle held to be illegal and evidence suppressed.

Gandino v. Pelion, Inc. & Reagles (202 AD2d 963) - successfully overturned \$50,000 libel award and lawsuit dismissed.

People v. Robert L. Norman (202 AD2d 1013) - reversal of home builder's conviction for grand larceny and dismissal of Indictment; the Court of Appeals reversed and reinstated the conviction (85 NY2d 609).

People v. Luevell Ballard (201 AD2d 942) - appointed Special Onondaga County District Attorney to represent District Attorney's Office and upheld defendant's conviction for sale of drugs.

People v. Titus L. Stewart (199 AD2d 1043) - suppressed weapon found in vehicle because of an illegal search, Indictment dismissed.

People v. Eric Fotiathis (198 AD2d 896) - defendant's sentence as a second felony offender was invalid as a matter of law.

People v. Frederick E. Fuller (197 AD2d 881) - defendant granted new trial because he was not present during the entire trial.

People v. Kathy Bernier (197 AD2d 882) - defendant re-sentenced because trial court failed to properly determine restitution.

People v. Robert L. Farmer (188 AD2d 1063) - police illegally entered defendant's residence, evidence seized suppressed and Indictment dismissed.

People v. Bernard "Buddy" Pynes (170 AD2d 981) - defendant's conviction for drug sale reversed and Indictment dismissed; defendant had been sentenced to serve 15 years to life in prison.

United States v. Tarbell, Laughing and Burns (922 F.2d 1026 [2nd Cir. 1991])

- St. Regis Indians' appeal of Federal gambling convictions.

People v. Peter Lancaster (69 NY2d 20) - first appellate indication under new insanity law that District Attorney does not have to present to Grand Jury evidence of defendant's psychiatric history.

Matter of Herald Company v. Mariani (67 NY2d 668) - transcript of rape victim's preliminary hearing testimony, involving juvenile offender whose case was transferred to Family Court, is not available from City Court or Supreme Court.

People v. Christopher Edwards (64 NY2d 658 and 78 AD2d 582) - first definitive statement of New York State criminal jurisdiction on an Indian Reservation.

People v. Roger C. Smith (62 NY2d 306) - first appellate recognition that a child abuse or neglect proceeding in Family Court does not invoke a defendant's right to counsel for criminal charges arising out of the same conduct.

People v. Kirk Hughes (59 NY2d 523) - first appellate consideration of the admissibility of hypnotically refreshed testimony in a criminal trial.

People v. Norman Lipton (54 NY2d 340) - sustained conviction of medical doctor for drug selling conspiracy involving false prescriptions.

Matter of Priest and Raus v. Hennessy (51 NY2d 62) - the attorney-client privilege does not shield the identity of an individual who paid legal fees for certain women charged with prostitution.

People v. Alfred Rolle (44 NY2d 743) - upheld constitutionality of ABC Law §96(1) concerning illegal storage of alcoholic beverages after intermediate appellate court found it unconstitutional.

People v. Thomas M. Hunter (34 NY2d 432) - first definitive statement on prosecution of welfare frauds.

People v. Charles and Marlene Henson (33 NY2d 63) - first recognition of the Battered Child Syndrome in New York State.

People v. Michael Bucci (122 AD2d 562) - sentence imposed by trial court was illegal as a matter of law.



People v. Cynthia Pugh (107 AD2d 521) - murder conviction upheld over claims that District Attorney withheld evidence, and juror misconduct.

People v. Simon Kuss (81 AD2d 427) - first judicial sanction of utilization of verbatim transcripts of wiretap conversations by a jury during their deliberations.

People v. Donald Greenwood (81 AD2d 1038) - commended by Appellate Court for acknowledging that defendant's confession should be suppressed because he was improperly questioned without counsel being present, even though defendant failed to raise the issue.

People v. Philip S. Whaley (78 AD2d 588) - commended by Appellate Court for acknowledging that defendant's confession should be suppressed because he was improperly questioned without counsel being present.

People v. Eric Loysen (72 AD2d 970) - commended by Appellate Court for acknowledging that defendant was denied a fair trial and should be granted a new trial.

People v. Melvin Gendron (71 AD2d 1050) - commended by Appellate Court for acknowledging that defendant should have been permitted to withdraw his guilty plea when sentenced in excess of his plea bargain.

People v. Morris Goldfeld (60 AD2d 1) - upheld corroboration of accomplice testimony and sustained \$288,000 fine against defendant, in addition to jail term.

Matter of Hennessy v. Cunningham (57 AD2d 298) - denied authority to a successor judge to change the sentence imposed by prior judge after the appellate process was concluded.

Matter of Holcombe v. Gusty (51 AD2d 868) - placed District Attorney's Investigators in Exempt Civil Service Classification.

People v. Michael Fortunato (50 AD2d 38) - upheld search of probationer without prior court approval.

People v. Ernest W. Speach (49 AD2d 210) - first reported criminal prosecution of a public official for conflict of interest.

Matter of Mora (107 Misc2d 290) - first judicial recognition in the State of

New York that brain death is the equivalent of legal death.

People v. Rosemary Jarvis - 1972 - first felony welfare fraud conviction after trial in recent times in Onondaga County; affirmed on appeal, 52 AD2d 1067.