AUGUST 2016

NEW FILINGS DIGEST - CUMULATIVE UPDATE

This report lists, by title and subject matter, pending appeals previously published as "Court of Appeals New Filings."

Contact the Clerk's Office for additional information.

ACE FIRE UNDERWRITERS INSURANCE COMPANY v SPECIAL FUNDS CONSERVATION COMMITTEE:
WORKERS' COMPENSATION - SPECIAL FUNDS - WHERE THE WORKERS' COMPENSATION INSURANCE CARRIER APPROVES THE SETTLEMENT OF A THIRD-PARTY PERSONAL INJURY ACTION WITHOUT FIRST OBTAINING THE CONSENT OF THE SPECIAL FUNDS CONSERVATION COMMITTEE (SFCC) TO SUCH SETTLEMENT, AND THE SFCC THEREAFTER DENIES RETROACTIVE CONSENT FOR THE SETTLEMENT, DOES THE COURT IN WHICH THE UNDERLYING PERSONAL INJURY ACTION WAS COMMENCED HAVE THE POWER TO COMPEL THE SFCC TO CONSENT TO THE SETTLEMENT NUNC PRO TUNC, OR MUST THE CARRIER SEEK SUCH RELIEF FROM THE WORKERS' COMPENSATION BOARD;

ACEVEDO, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES:
MOTOR VEHICLES - OPERATOR'S LICENSE - DENIAL OF DRIVER'S LICENSE - REGULATIONS GOVERNING TREATMENT OF RELICENSING APPLICATIONS BY PERSONS WITH AT LEAST THREE ALCOHOL OR DRUG-RELATED CONVICTIONS (15 NYCRR 136.5) - WHETHER SUPREME COURT PROPERLY DISMISSED AS NONJUSTICIABLE PETITIONER'S CHALLENGES TO PROVISIONS IMPOSING A LIFETIME LICENSE REVOCATION AND REQUIRING THE ISSUANCE OF A RESTRICTED LICENSE AND INSTALLATION OF AN IGNITION INTERLOCK DEVICE - ALLEGED VIOLATION OF THE SEPARATION OF POWERS DOCTRINE - WHETHER CHALLENGED REGULATIONS CONFLICT WITH THE VEHICLE AND TRAFFIC LAW - WHETHER DENIAL OF RELICENSING APPLICATION CONSTITUTED AN IMPERMISSIBLE RETROACTIVE APPLICATION OF CHALLENGED REGULATIONS AND A VIOLATION OF THE EX POST FACTO CLAUSE OF THE US CONSTITUTION - CHALLENGE TO REGULATIONS AS BEING ARBITRARY AND CAPRICIOUS - NECESSITY FOR A HEARING;

PEOPLE ex rel. ACKRIDGE v DIAZ:
HABEAS CORPUS - CHALLENGE TO ORDER DENYING APPLICATION FOR A WRIT OF HABEAS CORPUS;

ACME BUS CORP., MATTER OF v ORANGE COUNTY, et al.:
MUNICIPAL CORPORATIONS - PROCUREMENT - CPLR ARTICLE 78 PROCEEDING TO REVIEW A COUNTY DETERMINATION AWARDING OTHER COMPANIES CONTRACTS TO PROVIDE BUS TRANSPORTATION - WHETHER THE COUNTY ACTED IRRATIONALLY BY FAILING TO FOLLOW THE PROPOSAL EVALUATION PROCEDURES SET FORTH IN ITS REQUEST FOR PROPOSALS;

ADVANCED THERAPY, &c., MATTER OF v NEW YORK STATE DEPARTMENT OF EDUCATION:
SCHOOLS - EDUCATION OF CHILDREN WITH DISABILITIES - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT EDUCATION DEPARTMENT'S DETERMINATION FINDING NO REGIONAL NEED FOR PETITIONER'S PRESCHOOL EDUCATION PROGRAM WAS BASED UPON A RATIONAL INTERPRETATION OF EDUCATION DEPARTMENT REGULATIONS (9 NYCRR 200.7[a][2]; 200.20[a]); WHETHER EDUCATIONAL LAW § 4410 IS UNCONSTITUTIONALLY VAGUE, OR THE CHALLENGED DETERMINATION VIOLATED GENERAL BUSINESS LAW § 308 OR PETITIONER'S RIGHT OF FREEDOM TO CONTRACT;

ALLARD (DRU), PEOPLE v:
CRIMES - RIGHT TO SPEEDY TRIAL - PRESERVATION OF ISSUE FOR REVIEW - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S CPL 30.30 CLAIM WAS PRESERVED FOR APPELLATE REVIEW;

AL RUSHAID, et al. v PICTET & CIE, et al.:
COURTS - JURISDICTION - LONG-ARM JURISDICTION - FOREIGN BANK'S ALLEGED TRANSFER OF KICKBACKS AND BRIBES TO NEW YORK ACCOUNTS - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT DEFENDANTS' ALLEGED CONDUCT (USING NEW YORK CORRESPONDENT BANK ACCOUNTS TO EFFECT WIRE TRANSFERS ON BEHALF OF CERTAIN INDIVIDUALS) WAS INSUFFICIENT TO CONFER PERSONAL JURISDICTION;

AMERICAN ECONOMY INSURANCE COMPANY v STATE OF NEW YORK, et al.:
WORKERS' COMPENSATION - SPECIAL FUNDS - WHETHER WORKERS' COMPENSATION LAW § 25-a(1-a) IMPOSES RETROACTIVE LIABILITY IN VIOLATION OF THE CONTRACT CLAUSE OF THE U.S. CONSTITUTION AND THE TAKINGS CLAUSE OF THE U.S. AND NEW YORK STATE CONSTITUTIONS;

TOWN OF AMHERST v GRANITE STATE INSURANCE COMPANY:
ARBITRATION - AGREEMENT TO ARBITRATE - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT IT WAS FOR THE ARBITRATOR, NOT THE COURT, TO DECIDE THE VALIDITY AND EFFECT OF A SUBSEQUENT AGREEMENT TO LITIGATE A CLAIM THAT WAS SUBJECT TO ARBITRATION UNDER THE TERMS OF THE PARTIES' INSURANCE POLICY;

ANDERSON (TREVOR), PEOPLE v:
CRIMES - PROOF OF PRIOR CONVICTIONS - INQUIRY INTO NATURE OF PRIOR CONVICTIONS - DISCRETION OF TRIAL COURT - WHETHER FOLLOWING A SANDOVAL HEARING, THE TRIAL COURT COMMITTED REVERSIBLE ERROR BY ALLOWING THE PEOPLE TO INQUIRE ABOUT DEFENDANT'S PRIOR CONDUCT OF POSSESSING GUNS; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL DUE TO COUNSEL'S ASSERTED FAILURE TO OBJECT TO THE PEOPLE'S POWERPOINT PRESENTATION DURING SUMMATION;

ANDUJAR (JOHN), PEOPLE v:
CRIMES - ACCUSATORY INSTRUMENT - WHETHER VEHICLE AND TRAFFIC LAW § 397 APPLIES ONLY TO A POLICE SCANNER OR RADIO RECEIVING SET THAT IS ATTACHED TO THE MOTOR VEHICLE OR APPLIES TO SUCH A DEVICE CARRIED IN THE DRIVER'S CLOTHING WHILE DRIVING A MOTOR VEHICLE - DEFINITION OF "EQUIP" AS WORD IS USED IN STATUTE;

APONTE, MATTER OF v OLATOYE, &c., et al.:
PUBLIC HOUSING - DENIAL OF REMAINING FAMILY MEMBER STATUS - WHETHER DETERMINATION DENYING PETITIONER SUCCESSION RIGHTS TO HIS MOTHER'S APARTMENT WAS ARBITRARY AND CAPRICIOUS WHERE AGENCY DID NOT CONSIDER MOTHER'S DISABILITY IN REACHING ITS DETERMINATION;

ARAGON (ANTONIO), PEOPLE v:
CRIMES - ACCUSATORY INSTRUMENT - FACIAL SUFFICIENCY - POSSESSION OF WEAPON - BRASS METAL KNUCKLES - WHETHER THE ACCUSATORY INSTRUMENT WAS FACIALLY SUFFICIENT WHERE IT ALLEGED THAT POLICE RECOVERED FROM DEFENDANT "ONE SET OF BRASS METAL KNUCKLES";

ARJUNE (MARIO), PEOPLE v:
CRIMES - APPEAL - DENIAL OF APPLICATION FOR A WRIT OF ERROR CORAM NOBIS SEEKING TO REINSTATE AN APPEAL ON THE GROUND OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL, WHERE THE NOTICE OF APPEAL WAS TIMELY FILED BUT THE APPEAL WAS DISMISSED FOR FAILURE TO TIMELY PERFECT - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT DEFENDANT "HAS NOT ESTABLISHED HIS ENTITLEMENT TO THE RELIEF REQUESTED (see PEOPLE v SYVILLE,(15 NY3d 391)";

ARTIBEE, et al. v HOME PLACE CORPORATION:
NEGLIGENCE - COMPARATIVE NEGLIGENCE - APPORTIONMENT OF LIABILITY FOR INJURIES CAUSED BY FALLING TREE BRANCH BETWEEN DEFENDANT PROPERTY OWNER AND STATE OF NEW YORK, A NONPARTY WHICH WAS BEING SUED SEPARATELY BY PLAINTIFFS IN THE COURT OF CLAIMS - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION FOR A JURY CHARGE ON APPORTIONMENT; JURY INSTRUCTIONS;

AUSTIN (PETER), PEOPLE v:
CRIMES - INSTRUCTIONS - ADVERSE INFERENCE CHARGE BASED ON LOSS OF BLOOD EVIDENCE AS A RESULT OF A NATURAL CATASTROPHE - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DECLINING DEFENDANT'S REQUEST FOR A PERMISSIVE ADVERSE INFERENCE CHARGE BASED ON THE UNAVAILABILITY OF BLOOD EVIDENCE AND PROHIBITING DEFENSE COUNSEL FROM COMMENTING ON THE LOST EVIDENCE IN SUMMATION;

AVELLA, MATTER OF v CITY OF NEW YORK:
PARKS AND PARKWAYS - PUBLIC TRUST DOCTRINE - DEVELOPMENT OF MUNICIPAL PARKLAND - LEGISLATIVE AUTHORITY REQUIRED - WHETHER THE

APPELLATE DIVISION ERRED IN DETERMINING THAT ADMINISTRATIVE CODE § 18-118 DID NOT AUTHORIZE USE OF FLUSHING MEADOWS-CORONA PARK FOR CONSTRUCTION OF ANY STRUCTURE THAT DID NOT HAVE A NATURAL CONNECTION TO SHEA STADIUM AND THAT CONSTRUCTION OF A RETAIL MALL VIOLATED THE PUBLIC TRUST DOCTRINE ABSENT AUTHORIZATION BY THE STATE LEGISLATURE;

AVILES (JOSE), PEOPLE v:
CONSTITUTIONAL LAW - EQUAL PROTECTION OF LAWS - WHETHER THE FAILURE OF POLICE TO ADMINISTER A PHYSICAL COORDINATION TEST TO A NON-ENGLISH SPEAKING DRIVING WHILE INTOXICATED SUSPECT VIOLATES EQUAL PROTECTION OR DUE PROCESS WHERE SUCH TESTS ARE ROUTINELY ADMINISTERED TO ENGLISH-SPEAKING SUSPECTS;

BANK (HERMAN), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - CLAIM THAT DEFENDANT WAS DEPRIVED OF OPPORTUNITY TO PLEAD TO LESSER SENTENCE BY COUNSEL'S MISUNDERSTANDING OF LAW AND INCORRECT ADVICE DURING PLEA NEGOTIATIONS - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT WAS NOT DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL DURING PLEA NEGOTIATIONS;

BANK (HERMAN H.), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - CHOICE TO PURSUE DEFENSE BASED ON MENTAL DISEASE OR DEFECT - DILIGENCE OF COUNSEL - WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL BY COUNSEL'S CHOICE TO PURSUE A DEFENSE BASED ON MENTAL DISEASE OR DEFECT WHILE RELYING ON THE TESTIMONY OF A PHARMACOLOGICAL WITNESS;

THE BANK OF NEW YORK MELLON &c. v WMC MORTGAGE, LLC:
CONTRACTS - CONSTRUCTION - SECURITIZATION OF RESIDENTIAL MORTGAGES - REPRESENTATION AND WARRANTY IN POOLING AND SERVICING AGREEMENT - WHETHER THE COURTS BELOW ERRED IN HOLDING THAT THE AGREEMENT UNAMBIGUOUSLY PROVIDED THAT DEFENDANT J.P. MORGAN MORTGAGE ACQUISITION CORPORATION (JPMMAC) BREACHED THE AGREEMENT IF THE INFORMATION IN THE MORTGAGE LOAN STATEMENT AND OTHER DOCUMENTS WAS NOT CORRECT AT ANY POINT FROM 10/30/06 TO 12/1/06;

BATISTA v MANHATTANVILLE COLLEGE, et al.:
LABOR - SAFE PLACE TO WORK - PLAINTIFF INJURED IN FALL WHEN PLANK HE WAS STANDING ON BROKE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT FACTUAL ISSUES REGARDING USE OF PINE PLANKS FOR FLOORING ON SCAFFOLD PRECLUDED AWARD OF SUMMARY JUDGMENT ON LABOR LAW § 240(1) CLAIM;

BAUTISTA (VILMA), PEOPLE v:
CRIMES - ARGUMENT AND CONDUCT OF COUNSEL - PROSECUTOR'S ARGUMENT ON SUMMATION - WHETHER DEFENDANT WAS DEPRIVED OF A FAIR TRIAL BY

THE PROSECUTOR'S ALLEGED MISSTATEMENT OF THE EVIDENCE; DISCLOSURE - FAILURE TO DISCLOSE EXCULPATORY MATERIAL - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT AN INVESTIGATOR'S NOTES FROM AN INTERVIEW WITH A COCONSPIRATOR DID NOT CONSTITUTE BRADY MATERIAL; EVIDENCE - JUDICIAL NOTICE - FACT FINDINGS OF FOREIGN COUNTRY COURT IMPROPERLY READ TO JURY - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE TRIAL COURT'S ERROR IN READING THE FACT FINDINGS OF A FOREIGN COUNTRY COURT TO THE JURY WAS HARMLESS AS TO THE TAX COUNTS;

BETHUNE (JAMAR), PEOPLE v:
CRIMES - TRIAL - RESETTLEMENT OF TRIAL TRANSCRIPTS - WHETHER TRIAL JUDGE ERRED IN FAILING TO CONDUCT A RECONSTRUCTION HEARING BEFORE SETTLING THE TRIAL TRANSCRIPT TO ALTER THE COURT'S SUPPLEMENTAL CHARGE TO THE JURY - NO AFFIDAVIT FROM STENOGRAPHER EXPLAINING DISCREPANCY IN TRANSCRIPTION VERSIONS CERTIFIED APPROXIMATELY FIVE YEARS APART - NO SPECIFIC KNOWLEDGE OF DISCREPANCY CIRCUMSTANCES BY TRIAL JUDGE; CLAIMED ERRONEOUS SUPPLEMENTAL JURY INSTRUCTIONS ON THE ISSUE OF INTENT; WHETHER JURY VERDICT FINDING DEFENDANT GUILTY OF INTENTIONAL MURDER IN THE SECOND DEGREE WAS AGAINST THE WEIGHT OF THE EVIDENCE;

BETHUNE v MTA/LONG ISLAND BUS et al.:
APPEAL - ORDERS - DISMISSAL OF APPEAL FROM ORDER ON THE GROUND THAT THE RIGHT OF DIRECT APPEAL THEREFROM TERMINATED UPON ENTRY OF THE FINAL JUDGMENT; DIRECT APPEAL FROM SUPREME COURT ORDER DENYING MOTION TO VACATE JURY VERDICT AND FROM JUDGMENT ENTERED ON THE VERDICT;

BHUGRA v MASSACHUSETTS CASUALTY INSURANCE COMPANY:
APPEAL - APPELLATE DIVISION - MOTION TO ENLARGE TIME TO PERFECT APPEAL;

BONIE (NASEAN), PEOPLE v:
SHIELD LAW - ARTICLE I, SECTION 8 OF THE NEW YORK CONSTITUTION - QUALIFIED PRIVILEGE FOR UNPUBLISHED NONCONFIDENTIAL NEWS - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE PEOPLE MADE THE "CLEAR AND SPECIFIC SHOWING" REQUIRED TO OVERCOME NEWS ORGANIZATION'S QUALIFIED PRIVILEGE AS TO CERTAIN PORTIONS OF UNAIRED VIDEO FOOTAGE OF AN INTERVIEW WITH DEFENDANT;

BOOKMAN (DAVID), PEOPLE v:
CRIMES - SUPPRESSION HEARING - HANDGUN FOUND IN TRUNK OF CAR STOPPED FOR INOPERATIVE BRAKE LIGHT AND ITEMS HANGING FROM REARVIEW MIRROR - CAR SEARCHED AFTER ARREST OF CAR OCCUPANTS WHEN POLICE OFFICER SAW "CLOUDY" PLASTIC BAG, BELIEVED TO CONTAIN COCAINE RESIDUE, IN CAR; WHETHER THE PEOPLE MADE A PRIMA FACIE SHOWING THAT THE STOP OF THE VEHICLE HAD A LEGALLY SUFFICIENT BASIS; APPEAL - WAIVER OF RIGHT TO APPEAL - WHETHER DEFENDANT'S WAIVER WAS VOLUNTARY, KNOWING AND INTELLIGENT;

BOONE (OTIS), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S REQUEST FOR A JURY INSTRUCTION ON CROSS-RACIAL IDENTIFICATIONS;

BRAHNEY (RYAN P.), PEOPLE v:
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER COUNTY COURT ERRED IN DIRECTING THAT THE SENTENCES FOR INTENTIONAL MURDER AND BURGLARY RUN CONSECUTIVELY; MURDER - FAILURE TO PROVE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE - EVIDENCE OF DEFENDANT'S VIOLENT HISTORY - WHETHER THE COURTS BELOW ERRED IN CONCLUDING THAT THE FACTS, INCLUDING EXTREME BRUTALITY OF THE CRIME, WERE INSUFFICIENT TO ESTABLISH THE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE; CONFESSIONS - WAIVER OF RIGHT TO HUNTLEY HEARING REGARDING CERTAIN POLICE TESTIMONY - HARMLESS ERROR;

MATTER OF BRANDES, A DISBARRED ATTORNEY:
ATTORNEY AND CLIENT - REINSTATEMENT - WHETHER THE APPELLATE DIVISION, IN DENYING REINSTATEMENT, ERRED IN CONCLUDING THAT DISBARRED ATTORNEY ENGAGED IN THE PRACTICE OF LAW IN VIOLATION OF JUDICIARY LAW § 90(2); CLAIMED CONSTITUTIONAL VIOLATIONS;

BRANSTEN, et al. v STATE OF NEW YORK:
JUDGES - JUDICIAL SALARIES - WHETHER APPLICATION TO PLAINTIFF JUDGES AND JUSTICES OF L. 2011, c. 491, § 2 AND AMENDED CIVIL SERVICE LAW § 167(8) VIOLATES THE COMPENSATION CLAUSE OF THE NEW YORK STATE CONSTITUTION;

BREWER (TIMOTHY), PEOPLE v:
CRIMES - EVIDENCE - DEFENDANT'S SEXUAL PROCLIVITIES - CORROBORATION OF CHILD SEXUAL ASSAULT VICTIMS' TESTIMONY - WHETHER THE TRIAL COURT COMMITTED REVERSIBLE ERROR BY GRANTING THE PEOPLE'S MOLINEUX APPLICATION TO ALLOW EVIDENCE AT TRIAL OF DEFENDANT'S DRUG USE AND SEXUAL PROCLIVITIES;

BRIDGEFORTH (JOSEPH), PEOPLE v:
CRIMES - JURORS - SELECTION OF JURY - BATSON APPLICATION - FAILURE TO SHOW PROSECUTOR'S MISCONDUCT - WHETHER DEFENDANT MET HIS PRIMA FACIE BURDEN OF ESTABLISHING THAT THE PROSECUTOR EXERCISED PEREMPTORY CHALLENGES TO REMOVE PROSPECTIVE JURORS ON THE BASIS OF THEIR MEMBERSHIP IN A CONSTITUTIONALLY COGNIZABLE PROTECTED CLASS; RIGHT TO BE PRESENT AT TRIAL - FAILURE TO REBUT PRESUMPTION OF REGULARITY - WHETHER DEFENDANT WAS DENIED HIS RIGHT TO BE PRESENT AT ALL MATERIAL STAGES OF THE TRIAL;

BROOKS (NICHOLAS), PEOPLE v:
CRIMES - EVIDENCE - EXPERT WITNESS - WHETHER THE TRIAL COURT ERRED IN (1) ALLOWING AN EXTENDED FRYE HEARING REQUESTED BY THE PEOPLE TO CHALLENGE DEFENDANT'S EXPERT WITNESS, AND IN DENYING DEFENDANT'S MOTION FOR A FRYE HEARING REGARDING THE MEDICAL EXAMINER INTENDED TO BE PRESENTED BY THE PEOPLE, (2) LIMITING THE TESTIMONY OF DEFENDANT'S EXPERT, INCLUDING THAT REGARDING CERTAIN DRUGS AND TOXICOLOGY, (3) ALLOWING THE CLAIMED HEARSAY TESTIMONY OF 11 OF DECEDENT'S FRIENDS TO SHOW THE VICTIM'S UNFAVORABLE PERCEPTION OF DEFENDANT'S CHARACTER, AND (4) DENYING DEFENDANT'S MOTION TO SET ASIDE THE VERDICT BASED ON JUROR MISCONDUCT;

BROWN (JAMES), PEOPLE v:
CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PEOPLE'S SUBSEQUENT STATEMENT OF UNREADINESS RENDERED THEIR OFF-CALENDAR CERTIFICATE OF READINESS ILLUSORY; COURTS - COURT OF APPEALS - APPLICATION OF PLURALITY OPINIONS - PEOPLE v SIBBLIES (22 NY3d 1174 [2014]);

BROWN (LARRY), PEOPLE v:
CRIMES - PLEA OF GUILTY - WITHDRAWAL OF PLEA - POSTPLEA DENIAL OF JUDICIAL DIVERSION PLAN- WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S PLEA WAS KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED ON THE BASIS THAT DEFENDANT'S CLAIM THAT HE WAS MISLED ABOUT HIS PROSPECTS OF RECEIVING JUDICIAL DIVERSION UNDER CPL 216.05 WAS REFUTED BY THE RECORD; WHETHER DEFENDANT'S PLEA WAS NOT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED ON THE BASIS THAT THE PROMISED SENTENCE WAS ILLEGALLY LENIENT;

BRUCKNER REALTY, LLC, MATTER OF v CRUZ:
LANDLORD AND TENANT - RENT REGULATION - WHETHER LANDLORD ESTABLISHED AS A MATTER OF LAW THAT THE GARAGE SPACE WAS NOT A REQUIRED ANCILLARY SERVICE UNDER RENT STABILIZATION;

BRYANT (JEFFREY), PEOPLE v:
CRIMES - APPEAL - WAIVER - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANT'S WAIVER OF HIS RIGHT TO APPEAL WAS INVALID BECAUSE THE RECORD DID NOT SHOW THAT IT WAS MADE KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY;

THE BURLINGTON INSURANCE COMPANY v NEW YORK CITY TRANSIT AUTHORITY et al.:
INSURANCE - LIABILITY INSURANCE - CONSTRUCTION OF POLICY - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT DEFENDANTS WERE ADDITIONAL INSUREDS UNDER PLAINTIFF INSURER'S GENERAL LIABILITY POLICY WITH A CONTRACTOR, WHERE THE ACCIDENT FOR WHICH COVERAGE WAS SOUGHT WAS NOT CAUSED BY THE CONTRACTOR'S NEGLIGENCE OR FAULT;

BUSHEY (ANDREW R.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER COUNTY COURT ERRED IN DETERMINING THAT THE PLATE CHECK OF DEFENDANT'S VEHICLE AND THE ENSUING STOP WERE LAWFUL;

CANADY (EARL), PEOPLE v:
CRIMES - RIGHT TO A SPEEDY TRIAL - WHETHER TRIAL COURT IMPROPERLY CALCULATED THE TIME CHARGEABLE TO THE PEOPLE BY CHARGING THEM WITH TIME BEFORE THE OFF-CALENDAR STATEMENT OF READINESS WAS FILED, INSTEAD OF ONLY TIME AFTER THE DECLARATION; WHETHER PEOPLE'S OFF-CALENDAR READINESS DECLARATION WAS ILLUSORY;

CAMPBELL (ROSS), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER, IN A CASE INVOLVING SEX CRIMES, DEFENSE COUNSEL WAS INEFFECTIVE IN FAILING TO CHALLENGE A PROSPECTIVE JUROR WHO EXPRESSED DIFFICULTY IN SERVING AS A JUROR BECAUSE SHE HAD BEEN SUBJECTED TO SEXUAL VIOLENCE;

CARLSON v AMERICAN INTERNATIONAL GROUP, INC. et al.:
INSURANCE - DUTY TO DEFEND AND INDEMNIFY - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE INSURANCE POLICY WAS NOT "ISSUED OR DELIVERED" IN NEW YORK, THUS PRECLUDING PLAINTIFF FROM BRINGING SUIT AGAINST TORTFEASOR'S INSURANCE COMPANY UNDER INSURANCE LAW § 3420(a)(2); AUTOMOBILE INSURANCE - CARTAGE AGREEMENT BETWEEN DEFENDANT DHL EXPRESS (USA) AND DEFENDANT MVP DELIVERY AND LOGISTICS, INC. - WHETHER MVP VEHICLE DRIVEN BY TORTFEASOR DURING THE UNDERLYING MOTOR VEHICLE ACCIDENT WAS A VEHICLE "HIRED" BY DHL AND THUS COVERED UNDER ITS AUTOMOBILE INSURANCE;

CARNEY, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, et al.:
MOTOR VEHICLES - OPERATOR'S LICENSE - APPLICATION FOR NEW LICENSE AFTER LICENSE REVOCATION FOR ALCOHOL-RELATED DRIVING OFFENSE - NEW REGULATIONS ADOPTED DURING REVIEW OF PETITIONER'S APPLICATION FOR RELICENSING OF PERSONS WITH MULTIPLE ALCOHOL-OR-DRUG-RELATED DRIVING OFFENSES (15 NYCRR 136.5[b][1]) - WHETHER THE REGULATORY IMPOSITION OF A PERMANENT LIFETIME BAN AGAINST A DRIVER WITH FIVE OR MORE ALCOHOL-RELATED CONVICTIONS DURING HIS LIFETIME EXCEEDS THE COMMISSIONER'S ADMINISTRATIVE AUTHORITY;

CARR (JAMES L.), PEOPLE v:
GRAND JURY - RESUBMISSION OF CHARGES - WHETHER SUPREME COURT ERRED IN DENYING DEFENDANT'S CPL 440.10 MOTION TO VACATE THE JUDGMENT CONVICTING HIM OF TWO COUNTS OF MURDER IN THE SECOND DEGREE ON THE GROUND THAT THE PEOPLE FAILED TO SEEK LEAVE TO RE-PRESENT THE MURDER CHARGES TO A SECOND GRAND JURY, IN VIOLATION OF CPL 190.75(3);

CHARITE, et al. v DUANE READE, INC., et al.:
CIVIL RIGHTS - ELECTION OF REMEDIES - RETALIATION IN EMPLOYMENT - PRIOR ACTION - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT PLAINTIFF'S CAUSE OF ACTION FOR UNLAWFUL RETALIATION IN EMPLOYMENT IN VIOLATION OF ADMINISTRATIVE CODE OF THE CITY OF NEW YORK §8-107 WAS BARRED BY THE ELECTION OF REMEDIES PROVISION IN LABOR LAW §740(7);

CHERY (LYXON), PEOPLE v:
CRIMES - DEFENDANT AS WITNESS - CROSS-EXAMINATION OF DEFENDANT - IMPEACHMENT - WHETHER THE TRIAL COURT ERRED IN ALLOWING THE PEOPLE TO IMPEACH DEFENDANT WITH OMISSIONS FROM DEFENDANT'S SPONTANEOUS POST-ARREST, PRE-MIRANDA STATEMENT;

CITY OF NEW YORK, MATTER OF v NEW YORK STATE NURSES ASSOCIATION, et al.:
LABOR UNIONS - DISCIPLINARY PROCEEDINGS - DISCLOSURE OF INFORMATION TO EMPLOYEE - EMPLOYER'S DUTY TO FURNISH DATA NORMALLY MAINTAINED IN REGULAR COURSE OF BUSINESS - WHETHER THE BOARD OF COLLECTIVE BARGAINING OF THE CITY OF NEW YORK (BCB) PROPERLY GRANTED PETITIONER UNION'S IMPROPER PRACTICE CHARGE TO THE EXTENT OF DIRECTING THE CITY TO PROVIDE PRE-HEARING DISCOVERY IN AN EMPLOYEE DISCIPLINARY PROCEEDING - ADMINISTRATIVE CODE OF CITY OF NEW YORK § 12-306(a)(1) AND (4);

CLARKE (NNAMDI), PEOPLE v:
CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PROSECUTION'S DELAY IN SEEKING THE TESTING OF DNA IS AN EXCEPTIONAL CIRCUMSTANCE EXCLUDABLE FROM SPEEDY TRIAL COMPUTATION UNDER CPL 30.30;

CLARK (PRINCE), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - TRIAL COUNSEL'S FAILURE TO REQUEST THAT THE COURT CHARGE THE JURY ON THE POTENTIAL ALTERNATIVE DEFENSE OF JUSTIFICATION - TRIAL COURT'S FAILURE TO MAKE A JUSTIFICATION CHARGE TO THE JURY SUA SPONTE; CLAIMED DUE PROCESS VIOLATION;

COFFED, &c. v McCARTHY et al.:
NEGLIGENCE - PROXIMATE CAUSE - ACTION SEEKING DAMAGES FOR FATAL INJURIES SUSTAINED BY DECEDENT WHEN THE BICYCLE HE WAS RIDING COLLIDED WITH A DUMP TRUCK - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS UPON THE GROUND THAT DECEDENT'S FAILURE TO STOP AT A RED LIGHT WAS THE SOLE PROXIMATE CAUSE OF THE ACCIDENT;

CONNAUGHTON v CHIPOTLE MEXICAN GRILL, INC.:
FRAUD - FRAUD IN INDUCEMENT - WHETHER PLAINTIFF, A CHEF WHO ENTERED INTO AN AT-WILL EMPLOYMENT RELATIONSHIP WITH DEFENDANTS, ADEQUATELY ALLEGED A CAUSE OF ACTION FOR FRAUDULENT INDUCEMENT

BASED UPON DEFENDANTS' "SUPERIOR KNOWLEDGE" OF PREVIOUS BUSINESS DEALINGS THAT THEY WITHHELD FROM PLAINTIFF TO INDUCE HIM TO ACCEPT THEIR OFFER OF EMPLOYMENT, AND WHETHER HE SUFFICIENTLY ALLEGED DAMAGES;

CONTACT CHIROPRACTIC, P.C., &c. v NEW YORK CITY TRANSIT AUTHORITY:
LIMITATION OF ACTIONS - WHAT STATUTE GOVERNS - ACTION TO RECOVER FIRST-PARTY NO-FAULT BENEFITS - WHETHER AN ACTION BY AN INJURED CLAIMANT, OR THE CLAIMANT'S ASSIGNEE, TO RECOVER FIRST-PARTY NO-FAULT BENEFITS FROM A SELF-INSURED DEFENDANT, IS SUBJECT TO SIX-YEAR OR THREE-YEAR STATUTE OF LIMITATIONS;

COOK (WILLIAM), PEOPLE v (AD NO. 2013-06179):
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT ONLY ONE SORA DISPOSITION MAY BE MADE FOR ALL "CURRENT OFFENSES" EVALUATED IN A GIVEN RISK ASSESSMENT INSTRUMENT (RAI) AND THAT SORA PROCEEDING IN QUEENS COUNTY SUPREME COURT HAD TO BE DISMISSED FOR THAT REASON AND AS BARRED BY THE DOCTRINE OF RES JUDICATA, WHERE RICHMOND COUNTY SUPREME COURT ALREADY DESIGNATED DEFENDANT A LEVEL THREE SEX OFFENDER BASED UPON AN RAI THAT ENCOMPASSED DEFENDANT'S CONVICTIONS ON CRIMES COMMITTED IN BOTH COUNTIES;

COOK (WILLIAM), PEOPLE v (AD NO. 2012-10542):
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - WHETHER THE SORA HEARING COURT ERRED IN ASSESSING DEFENDANT 20 POINTS UNDER RISK FACTOR 7 FOR ESTABLISHING OR PROMOTING A RELATIONSHIP WITH THE VICTIMS FOR THE PRIMARY PURPOSE OF VICTIMIZATION WHERE DEFENDANT KNEW AT LEAST THREE OF THE VICTIMS "THROUGH HIS LONGSTANDING FRIENDSHIP WITH THEIR PARENTS" - EFFECT OF FAMILY-LIKE RELATIONSHIP WITH VICTIMS;

COONEY (ROGER), PEOPLE v (APPEAL NO. 2):
CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE TO SUPPORT CONVICTION OF ROBBERY IN THE SECOND DEGREE - WHETHER EVIDENCE OF CUT ON VICTIM'S FINGER WAS SUFFICIENT TO PROVE BEYOND A REASONABLE DOUBT THE ELEMENT OF "PHYSICAL INJURY" AS DEFINED IN PENAL LAW § 10.00(9) - WHETHER INDICTMENT SHOULD BE DISMISSED OR CONVICTION REDUCED TO LESSER INCLUDED OFFENSE OF ROBBERY IN THE THIRD DEGREE;

CORTORREAL, MATTER OF v ANNUCCI, &c.:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - RIGHT TO PRESENT WITNESSES - WHETHER FURTHER INQUIRY INTO THE REASON FOR A REQUESTED INMATE WITNESS'S REFUSAL TO TESTIFY IS REQUIRED WHERE THE REQUESTED INMATE WITNESS SIGNS A FORM INDICATING, WITHOUT FURTHER EXPLANATION, THAT THE WITNESS DOES NOT WISH TO TESTIFY - MATTER OF BARNES v LEFEVRE (69 NY2d 649 [1986]); WHETHER AND TO

WHAT EXTENT A HEARING OFFICER MUST INQUIRE INTO THE CIRCUMSTANCES SURROUNDING A REQUESTED INMATE WITNESS'S REFUSAL TO TESTIFY IN A SECOND ADMINISTRATIVE HEARING ON THE GROUND THAT HE HAD NO KNOWLEDGE OF THE MATTER, WHERE THAT WITNESS SIGNED AN AFFIDAVIT STATING HE WAS COERCED BY AN IDENTIFIED PRISON STAFF PERSON NOT TO TESTIFY IN AN EARLIER, ADMINISTRATIVELY-REVERSED PROCEEDING INVOLVING THE SAME DISCIPLINARY CHARGES, AFTER THAT PROCEEDING TERMINATED AND BEFORE THE SECOND PROCEEDING BEGAN;

CORRIGAN, et al., MATTER OF v NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, et al.:
SOCIAL SERVICES - REGISTER OF CHILD ABUSE AND MALTREATMENT - EXPUNGEMENT HEARING - SOCIAL SERVICES LAW § 427-a - WHETHER THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY EXPUNGE A REPORT MADE TO THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT WHICH HAS BEEN ASSIGNED BY A LOCAL SOCIAL SERVICES TO THE FAMILY ASSESSMENT RESPONSE (FAR) TRACK RATHER THAN TO THE TRADITIONAL INVESTIGATION TRACK - CONSTITUTIONALITY OF SOCIAL SERVICES LAW § 427-a;

COUNTY OF CAYUGA, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF CHAUTAUQUA, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONERS AND REIMBURSE PETITIONERS FOR THOSE EXPENDITURES;

COUNTY OF CHEMUNG, MATTER OF v SHAH:
HEALTH - MEDICAID REIMBURSEMENT PAYMENTS - REIMBURSEMENT OF OVERBURDEN EXPENDITURES - WHETHER THE 2012 AMENDMENT TO THE MEDICAID CAP STATUTE (L 2012, CH 56, PART D, § 61) EXTINGUISHES THE STATE'S OBLIGATION UNDER SOCIAL SERVICES LAW § 368-a(1)(h) TO REIMBURSE THE COUNTY FOR OVERBURDEN EXPENDITURES ACCRUED PRIOR TO JANUARY 1, 2006, BUT NOT SUBMITTED TO THE STATE FOR PAYMENT UNTIL ON OR AFTER THE AMENDMENT'S EFFECTIVE DATE OF APRIL 1, 2012 -

NECESSITY FOR IMPOSITION OF SIX-MONTH GRACE PERIOD TO SATISFY DUE PROCESS; MANDAMUS - WHETHER THE COUNTY IS ENTITLED TO MANDAMUS RELIEF DIRECTING THE STATE TO IDENTIFY, CALCULATE AND PAY ALL PRE-2006 OVERBURDEN EXPENDITURES EVEN WITHOUT ANY CLAIMS BEING MADE FOR SUCH EXPENDITURES;

COUNTY OF GENESEE, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF JEFFERSON, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONERS AND REIMBURSE PETITIONERS FOR THOSE EXPENDITURES;

COUNTY OF MONROE, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF ONEIDA, MATTER OF v SHAH:
PARTIES - CAPACITY TO SUE - PROCEEDING SEEKING REIMBURSEMENT FOR MEDICAID OVERBURDEN EXPENDITURES - WHETHER COUNTIES ARE PERSONS WITHIN THE MEANING OF THE STATE AND FEDERAL CONSTITUTIONS SO THAT THEY MAY RAISE DUE PROCESS CLAIMS AGAINST THE STATE; PETITIONER'S ENTITLEMENT TO RELIEF IN THE NATURE OF MANDAMUS, DIRECTING RESPONDENTS TO SEARCH THEIR RECORDS, LOCATE ALL UNREIMBURSED CLAIMS FOR OVERBURDEN EXPENDITURES MADE BY PETITIONER AND REIMBURSE PETITIONER FOR THOSE EXPENDITURES;

COUNTY OF ST. LAWRENCE, MATTER OF v SHAH:
HEALTH - MEDICAID REIMBURSEMENT PAYMENTS - REIMBURSEMENT OF OVERBURDEN EXPENDITURES - WHETHER THE 2012 AMENDMENT TO THE MEDICAID CAP STATUTE (L 2012, CH 56, PART D, § 61) EXTINGUISHES

THE STATE'S OBLIGATION UNDER SOCIAL SERVICES LAW § 368-a(1)(h) TO REIMBURSE THE COUNTY FOR OVERBURDEN EXPENDITURES ACCRUED PRIOR TO JANUARY 1, 2006, BUT NOT SUBMITTED TO THE STATE FOR PAYMENT UNTIL ON OR AFTER THE AMENDMENT'S EFFECTIVE DATE OF APRIL 1, 2012 - NECESSITY FOR IMPOSITION OF SIX-MONTH GRACE PERIOD TO SATISFY DUE PROCESS; MANDAMUS - WHETHER THE COUNTY IS ENTITLED TO MANDAMUS RELIEF DIRECTING THE STATE TO IDENTIFY, CALCULATE AND PAY ALL PRE-2006 OVERBURDEN EXPENDITURES EVEN WITHOUT ANY CLAIMS BEING MADE FOR SUCH EXPENDITURES;

COUSER (PHILLIP), PEOPLE v (APPEAL NO. 1):
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - ROBBERY AND ATTEMPTED ROBBERY - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE SENTENCE FOR ROBBERY WAS PROPERLY MADE CONSECUTIVE TO THE SENTENCES FOR ATTEMPTED ROBBERY;

COUSER (PHILLIP), PEOPLE v (APPEAL NO. 2):
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - ATTEMPTED MURDER - WHETHER THE MODIFICATION OF THE AGGREGATE SENTENCE IN APPEAL NO. 1 NULLIFIED AN EXPRESSLY PROMISED BENEFIT OR CONSTITUTED MATERIAL INDUCEMENT TO PLEA AT ISSUE IN APPEAL NO. 2 - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE MODIFICATION OF DEFENDANT'S AGGREGATE SENTENCE ON ROBBERY AND ATTEMPTED ROBBERY CHARGES DID NOT ENTITLE HIM TO VACATUR OF THE PLEA ON THE ATTEMPTED MURDER CHARGE; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE APPELLATE DIVISION ERRED IN REJECTING DEFENDANT'S CLAIM THAT HE WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL BASED ON COUNSEL'S ALLEGED FAILURE TO RECOGNIZE THAT DEFENDANT WAS NOT SUBJECT TO A CONSECUTIVE SENTENCE FOR THE ATTEMPTED MURDER COUNT;

DAVIS (MATTHEW A.), PEOPLE v:
CRIMES - MURDER - FELONY MURDER - WHETHER PEOPLE FAILED TO PROVE THAT DEFENDANT CAUSED THE DEATH OF AN OBESE VICTIM WHO DIED AFTER SUFFERING A HEART ATTACK DURING OR AFTER THE ROBBERY - SUFFICIENCY OF PROOF ON REASONABLE FORESEEABILITY THAT DEFENDANT'S ACTIONS IN UNLAWFULLY ENTERING VICTIM'S APARTMENT AND ASSAULTING HIM WOULD CAUSE THE VICTIM'S DEATH; CORROBORATION OF ACCOMPLICE TESTIMONY - BURGLARY AND ROBBERY PROSECUTION - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE SURVEILLANCE VIDEO FOOTAGE TENDING TO CORROBORATE THE TESTIMONY OF DEFENDANT'S ACCOMPLICE; SENTENCE;

DAVIS v SCOTTISH RE GROUP LIMITED, et al.:
CORPORATIONS - MERGER - ACTION BY MINORITY SHAREHOLDER ASSERTING BOTH DIRECT AND DERIVATIVE CAUSES OF ACTION ARISING OUT OF ALLEGEDLY UNDERVALUED CASH-OUT MERGER THAT UNFAIRLY PREJUDICED MINORITY SHAREHOLDERS; STANDING; CHOICE OF LAW; JURISDICTION; DISMISSAL OF CERTAIN CAUSES OF ACTION;

DEGRAFFENREID (BRIAN), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT DEFENSE COUNSEL'S FAILURE TO REVIEW IN SLOW MOTION A VIDEO RECORDING THAT WAS MADE 11 MINUTES BEFORE THE ATTACK WAS NOT SO EGREGIOUS AND PREJUDICIAL AS TO COMPROMISE DEFENDANT'S RIGHT TO A FAIR TRIAL; JURY INSTRUCTIONS - WHETHER COURT'S CHARGE ON CAUSATION OF DEATH WAS PROPER;

ESTATE OF DEL TERZO, et al. v 33 FIFTH AVENUE OWNERS CORP.:
CONDOMINIUMS AND COOPERATIVES - PROPRIETARY LEASE - BOARD'S CONSENT TO TRANSFER - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT DEFENDANT RESIDENTIAL COOPERATIVE CORPORATION VIOLATED A PROVISION OF THE PROPRIETARY LEASE STATING THAT "CONSENT SHALL NOT BE UNREASONABLY WITHHELD TO AN ASSIGNMENT OF THE LEASE AND SHARES TO A FINANCIALLY RESPONSIBLE MEMBER OF THE LESSEE'S FAMILY"; STATUTE OF LIMITATIONS - WHETHER DEFENDANT WAIVED A DEFENSE BASED ON THE FOUR-MONTH STATUTE OF LIMITATIONS AND WHETHER A SIX-YEAR STATUTE OF LIMITATIONS APPLIED IN ANY EVENT; WHETHER TRIABLE ISSUES OF FACT PRECLUDED SUMMARY JUDGMENT;

DENNEHY et al. v COPPERMAN, et al.:
PHYSICIANS AND SURGEONS - MALPRACTICE - WHETHER THE ACCRUAL DATE FOR A "WRONGFUL BIRTH" MEDICAL MALPRACTICE ACTION IS THE DATE OF BIRTH OR THE DATE OF THE CLAIMED MALPRACTICE - CPLR 214-a; STATUTE OF LIMITATIONS; DISMISSAL OF CLAIMS;

DIEGELMAN, et al., MATTER OF v CITY OF BUFFALO, et al.:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT THE GENERAL MUNICIPAL LAW § 205-e CLAIM WAS PATENTLY WITHOUT MERIT; WHETHER A POLICE OFFICER'S ENTITLEMENT TO GENERAL MUNICIPAL LAW § 207-c BENEFITS PRECLUDES THE OFFICER FROM BRINGING A GENERAL MUNICIPAL LAW § 205-e CLAIM AGAINST THE OFFICER'S MUNICIPAL EMPLOYER;

DONMEZ, MATTER OF v NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS, et al.:
APPEAL - ACADEMIC AND MOOT QUESTIONS - CHALLENGE TO APPELLATE DIVISION ORDER DISMISSING AS MOOT APPEAL CHALLENGING AGENCY DETERMINATION TO SUSPEND PETITIONER'S PEDICAB DRIVER LICENSE FOR FAILURE TO PAY FINES BY A CERTAIN DATE;

DONMEZ, MATTER OF v NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS, et al.:
ADMINISTRATIVE LAW - JUDICIAL REVIEW - VIOLATION OF PEDICAB REGULATIONS - CHALLENGE TO APPELLATE DIVISION JUDGMENT THAT CONFIRMED ADMINISTRATIVE DETERMINATION THAT PETITIONER COMMITTED TWO VIOLATIONS OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND IMPOSED A $500 FINE PER VIOLATION - ALLEGED CONSTITUTIONAL VIOLATIONS CAUSED BY PEDICAB STOPS;

D&R GLOBAL SELECTIONS, S.L. v BODEGA OLEGARIO FALCON PINEIRO:
COURTS - JURISDICTION - LACK OF BASIS FOR PERSONAL AND LONG-ARM JURISDICTION - WHETHER NEW YORK COURTS POSSESSED SUBJECT MATTER JURISDICTION OVER THIS ACTION, ARISING FROM AN ORAL AGREEMENT BY THE NONDOMICILIARY PLAINTIFF BROKER TO PROCURE AN AMERICAN IMPORTER FOR THE NONDOMICILIARY DEFENDANT WINERY'S PRODUCTS, PURSUANT TO BUSINESS CORPORATION LAW § 1314(b)(4), WHICH REQUIRES A SHOWING OF PERSONAL JURISDICTION UNDER CPLR 302;

EAST RAMAPO CENTRAL SCHOOL DISTRICT, MATTER OF v KING, et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT THE SCHOOL DISTRICT WAS FORECLOSED FROM BRINGING AN ARTICLE 78 PETITION BECAUSE THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT DOES NOT PROVIDE A PRIVATE RIGHT OF ACTION FOR LOCAL EDUCATIONAL AGENCIES TO CHALLENGE A DETERMINATION OF RESPONDENT STATE EDUCATION DEPARTMENT;

EDWARD (ALBERT), PEOPLE v:
CRIMES - POSSESSION OF WEAPON - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER FACTUAL ALLEGATIONS WERE SUFFICIENT TO SUPPORT CHARGE OF CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, WHERE DEFENDANT WAS ARRESTED FOR TRESPASSING IN THE LOBBY OF A HOUSING AUTHORITY BUILDING AND THE ACCUSATORY INSTRUMENT ALLEGED THAT, UPON HIS ARREST, THE POLICE RECOVERED "A BOX CUTTER FROM THE DEFENDANT AND DEFENDANT STATED IN SUBSTANCE, I USE IT ON THE TRAIN FOR PROTECTION" - POSSESSION OF "DANGEROUS KNIFE" OR A "DANGEROUS OR DEADLY INSTRUMENT OR WEAPON" WITH INTENT TO USE IT "UNLAWFULLY AGAINST ANOTHER" (PENAL LAW § 265.01[2]);

ENRIQUEZ, MATTER OF v DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK:
LIENS - MECHANIC'S LIENS - VACATUR OR DISCHARGE - LIEN FOR LIVING EXPENSES OF RELOCATED TENANTS - WHETHER A COURT MAY SUMMARILY DETERMINE IF ASSERTEDLY UNREASONABLE CLAIMED EXPENSES RENDERED A LIEN FACIALLY INVALID, OR WHETHER A FORECLOSURE TRIAL IS REQUIRED;

ENTERGY NUCLEAR OPERATION, INC, et al., MATTER OF v NEW YORK DEPARTMENT OF STATE et al.:
ENVIRONMENTAL CONSERVATION - ENVIRONMENTAL QUALITY REVIEW - WHETHER PETITIONER'S LICENSE RENEWAL APPLICATION TO THE NUCLEAR REGULATORY COMMISSION TRIGGERS CONSISTENCY REVIEW UNDER THE COASTAL ZONE MANAGEMENT ACT AND NEW YORK'S COASTAL MANAGEMENT PROGRAM (CMP) - WHETHER CERTAIN GENERATING PLANT UNITS WERE GRANDFATHERED PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; WHETHER QUALIFYING FINAL ENVIRONMENTAL IMPACT STATEMENTS WERE PREPARED FOR THE UNITS; WHETHER SUBSEQUENT CHANGES TO UNITS HAVE TRIGGERED A CONSISTENCY REVIEW UNDER THE CMP;

ESTEE LAUDER, INC. v OneBEACON INSURANCE GROUP, LLC, et al.:
INSURANCE - DISCLAIMER OF COVERAGE - WAIVER OF RIGHT TO ASSERT AFFIRMATIVE DEFENSE OF LATE NOTICE WHERE INSURER FAILS TO RAISE LATE NOTICE IN LETTER OF DISCLAIMER - APPLICATION OF KEYSPAN GAS EAST CORP. v MUNICH REINSURANCE AM., INC.(23 NY3d 583 [2014]) TO WAIVER ISSUE; LAW OF THE CASE;

ESTREMERA (ROBERTO), PEOPLE v:
CRIMES - SENTENCE - RESENTENCE - WHETHER SUPREME COURT ERRED IN CONDUCTING A POSTRELEASE SUPERVISION RESENTENCING PURSUANT TO PENAL LAW § 70.85 WITHOUT DEFENDANT PRESENT;

EXCESS LINE ASSOCIATION OF NEW YORK (ELANY) v WALDORF & ASSOCIATES, et al.:
PARTIES - CAPACITY TO SUE - GOVERNMENTAL ENTITIES - WHETHER PLAINTIFF ASSOCIATION HAS CAPACITY AND STANDING TO SUE ONE OF ITS MEMBERS TO COMPEL COMPLIANCE WITH ITS PLAN OF OPERATION OR TO RECOVER STAMPING FEES;

FAGAN (KEITH), PEOPLE v:
CRIMES - SENTENCE - RESENTENCE - SECOND VIOLENT FELONY OFFENDER - RETROACTIVE APPLICATION OF PEOPLE v CATU (4 NY3d 242 [2005]) - WHETHER DEFENDANT'S 2000 CONVICTION BY GUILTY PLEA WAS OBTAINED IN VIOLATION OF HIS FEDERAL CONSTITUTIONAL RIGHTS AND THEREFORE COULD NOT BE USED FOR PREDICATE FELONY PURPOSES WITHIN THE MEANING OF CPL 400.15 WHERE DEFENDANT WAS NOT ADVISED AT THE TIME OF THAT PLEA THAT THE SENTENCE WOULD INCLUDE POST-RELEASE SUPERVISION;

B. F., et al. v REPRODUCTIVE MEDICINE ASSOCIATES OF NEW YORK, LLP, et al.:
PHYSICIANS AND SURGEONS - MALPRACTICE - WHETHER THE ACCRUAL DATE FOR A "WRONGFUL BIRTH" MEDICAL MALPRACTICE ACTION IS THE DATE OF BIRTH OR THE DATE OF THE CLAIMED MALPRACTICE - CPLR 214-a; STATUTE OF LIMITATIONS; DISMISSAL OF CLAIMS;

FINKELSTEIN (STEVEN), PEOPLE v:
CRIMES - COERCION - WHETHER DEFENDANT'S CONVICTION OF COERCION IN THE FIRST DEGREE VIOLATES HIS RIGHTS TO TRIAL BY JURY, EQUAL PROTECTION AND DUE PROCESS - DISTINCTION BETWEEN COERCION IN THE FIRST AND SECOND DEGREES AS ARTICULATED IN PEOPLE v EBOLI (34 NY2d 281 [1974]) AND PEOPLE v DISCALA (45 NY2d 38 [1978]) - HEINOUSNESS; LESSER INCLUDED OFFENSE - CHARGE TO THE JURY - WHETHER DEFENDANT WAS ENTITLED TO HAVE COERCION IN THE SECOND DEGREE SUBMITTED TO THE JURY AS A LESSER INCLUDED OFFENSE OF COERCION IN THE FIRST DEGREE; PROOF OF OTHER CRIMES - WHETHER THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN ADMITTING EVIDENCE ESTABLISHING VICTIM'S KNOWLEDGE OF DEFENDANT'S COERCION OF A FORMER GIRLFRIEND; SUFFICIENCY OF THE EVIDENCE SUPPORTING

CONVICTION OF COERCION IN THE FIRST DEGREE; RIGHT TO REPRESENTATION PRO SE - WHETHER COURT PROPERLY REVOKED DEFENDANT'S PRO SE STATUS DURING PORTIONS OF THE PROCEEDINGS ON THE GROUND THAT HE FORFEITED HIS RIGHT OF SELF-REPRESENTATION BY HIS CONDUCT;

FISHER (KEVIN), PEOPLE v:
CRIMES - HINDERING PROSECUTION - WHETHER DEFENDANT SHOULD HAVE BEEN PERMITTED TO WITHDRAW HIS PLEA OF GUILTY TO HINDERING PROSECUTION WHERE THE PERSON HE RENDERED CRIMINAL ASSISTANCE TO WAS ACQUITTED OF THE UNDERLYING FELONY AT TRIAL BEFORE JUDGMENT WAS ENTERED AGAINST DEFENDANT; WHETHER DEFENDANT'S GUILTY PLEA WAS KNOWING, INTELLIGENT AND VOLUNTARY WHERE THE PROSECUTION DID NOT DISCLOSE CERTAIN WITNESS INTERVIEW NOTES;

FLANAGAN (WILLIAM), PEOPLE v:
CRIMES - OFFICIAL MISCONDUCT - PENAL LAW § 195.00(1) - UNAUTHORIZED EXERCISE OF OFFICIAL FUNCTION - WHETHER AN OFFICIAL MISCONDUCT CHARGE BASED ON ALLEGED MALFEASANCE MUST BE PREMISED ON AN ACT WHICH IS ITSELF UNAUTHORIZED, OR WHETHER THE DEFENDANT'S IMPROPER PURPOSE IN PERFORMING AN OTHERWISE AUTHORIZED ACT SUFFICES TO CONSTITUTE THE CRIME OF OFFICIAL MISCONDUCT; PENAL LAW § 195.00(2) - KNOWINGLY REFRAINING FROM A DUTY IMPOSED BY LAW - WHETHER AN OFFICIAL CONDUCT CHARGE BASED ON NONFEASANCE CAN BE PREMISED ON THE DEFENDANT'S FAILURE TO PERFORM A DISCRETIONARY DUTY; EVIDENCE - HEARSAY - WHETHER STATEMENTS BY CO-CONSPIRATORS ARE ADMISSIBLE ONLY WHEN MADE DURING THE TIME PERIODS INVOLVED IN THE CONSPIRACY;

FLORES (MARY ANN GRADY), PEOPLE v:
CRIMES - CRIMINAL CONTEMPT - ORDER OF PROTECTION AS PREDICATE FOR CRIMINAL CONTEMPT CHARGE AGAINST PROTESTER IN PUBLIC STREET IN FRONT OF MILITARY BASE - CHALLENGE TO VALIDITY AND SPECIFICITY OF ORDER OF PROTECTION; CLAIMED ERROR OF TRIAL COURT IN RESPONSE TO JURY QUESTION;

FLOWERS (IMMANUEL), PEOPLE v:
CRIMES - SENTENCE - RESENTENCE - DUE PROCESS CLAUSE OF STATE CONSTITUTION - WHETHER THE PEOPLE v VAN PELT (76 NY2d 156 [1990]) "PRESUMPTION OF INSTITUTIONAL VINDICTIVENESS" APPLIES WHERE THE TRIAL COURT, WHICH IMPROPERLY CONSIDERED DURING THE ORIGINAL SENTENCING A CRIME THAT WAS DISMISSED AT TRIAL FOR LACK OF LEGALLY SUFFICIENT EVIDENCE, IMPOSES AN IDENTICAL SENTENCE UPON REMITTITUR FROM THE APPELLATE DIVISION FOR RESETENCING; CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - NO DUTY TO MAKE FUTILE ARGUMENT - WHETHER DEFENSE COUNSEL'S FAILURE TO REGISTER AN OBJECTION TO THE TRIAL COURT'S IMPOSITION OF A RESENTENCE IDENTICAL TO THE ORIGINAL SENTENCE CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL;

FOR THE PEOPLE THEATERS v CITY OF NEW YORK; TEN'S CABARET v CITY OF NEW YORK:
CONSTITUTIONAL LAW - FREEDOM OF SPEECH - ZONING AMENDMENTS RESTRICTING ADULT ESTABLISHMENTS - CHALLENGE TO 2001 AMENDMENTS TO NEW YORK CITY ZONING RESOLUTION § 12-10 - WHETHER THE APPELLATE DIVISION APPLIED AN IMPROPER STANDARD OF REVIEW IN DETERMINING WHETHER CITY MET ITS BURDEN OF PROOF - ALLEGED IMPROPER RECONSIDERATION OF NEGATIVE SECONDARY EFFECTS;

FRANCIS (EUGENE), PEOPLE v:
CRIMES - INDICTMENT - DENIAL OF MOTION TO VACATE GUILTY PLEA - WHETHER SUPREME COURT EXCEEDED ITS POWER IN AMENDING ITS INITIAL DECISION TO DISMISS THE INDICTMENT IN ITS ENTIRETY AND DENYING SO MUCH OF DEFENDANT'S CPL 30.30 MOTION AS SOUGHT DISMISSAL OF COUNTS SEVEN, EIGHT AND NINE OF THE INDICTMENT ON SPEEDY TRIAL GROUNDS;

FRANCIS (JUDE), PEOPLE v:
CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRATION ACT (SORA) - USE OF YOUTHFUL OFFENDER ADJUDICATION IN DETERMINING RISK LEVEL - WHETHER A DEFENDANT'S PRIOR YOUTHFUL OFFENDER ADJUDICATION MAY BE CONSIDERED IN DETERMINING THE DEFENDANT'S RISK LEVEL DESIGNATION UNDER SORA;

FRIEDMAN, MATTER OF v RICE:
RECORDS - FREEDOM OF INFORMATION LAW (FOIL) - EXEMPTIONS - STATEMENTS OF NONTESTIFYING WITNESSES - WHETHER THE APPELLATE DIVISION PROPERLY DETERMINED THAT DOCUMENTS SOUGHT BY PETITIONER WERE EXEMPT FROM DISCLOSURE PURSUANT TO PUBLIC OFFICERS LAW § 87(2)(e)(iii); GRAND JURY - INSPECTION OF GRAND JURY MINUTES - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT PETITIONER FAILED TO ESTABLISH A COMPELLING AND PARTICULARIZED NEED FOR DISCLOSURE OF GRAND JURY MATERIALS PURSUANT TO CPL 190.25(4);

FRUMUSA (LAWRENCE P.) a/k/a JOHN DOE, PEOPLE v:
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A CIVIL CONTEMPT ORDER FINDING DEFENDANT'S BUSINESSES IN CONTEMPT FOR FAILING TO OBEY AN ORDER DIRECTING THEM TO TURN OVER ALL THE MONIES AT ISSUE IN THE GRAND LARCENY CHARGE AGAINST DEFENDANT - CONTEMPT ORDER PERTAINED TO DEFENDANT'S CONDUCT OCCURRING AFTER THE CHARGED CRIME, AS OPPOSED TO PRIOR BAD ACTS ADDRESSED IN PEOPLE v MOLINEUX (168 NY 264); WHETHER THE TRIAL COURT IMPROPERLY LIMITED DEFENDANT'S CROSS EXAMINATION OF A WITNESS; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL; CLAIMED ABUSE OF TRIAL COURT'S DISCRETION IN DENYING DEFENDANT'S REQUEST FOR AN ADJOURNMENT OF SENTENCING TO GIVE NEWLY RETAINED COUNSEL TIME TO PREPARE;

GAINES, &c. v CITY OF NEW YORK, et al.:
TRUSTS - CREATION - DEATH OF PLAINTIFF'S DAUGHTER BEFORE COMPLETION OF DOCUMENTS CREATING AND FUNDING A SUPPLEMENTAL NEEDS TRUST (SNT) AFTER SETTLEMENT OF A PERSONAL INJURY ACTION - DENIAL OF PLAINTIFF'S MOTION TO OBTAIN THE PRINCIPAL AND INTEREST IN THE SNT, AS POTENTIAL REMAINDERMAN OF TRUST;

GARVIN (SEAN), PEOPLE v:
CRIMES - ARREST - WHETHER DEFENDANT'S WARRANTLESS ARREST VIOLATED PAYTON v NEW YORK (445 US 573), WHERE DEFENDANT LIVED IN THE UPSTAIRS APARTMENT OF A BUILDING CONTAINING TWO SEPARATE APARTMENTS AND WAS ARRESTED IN THE DOORWAY TO HIS APARTMENT AFTER HE OPENED THE DOOR IN RESPONSE TO A KNOCK BY A POLICE OFFICER; ALLEGED VIOLATION OF DEFENDANT'S RIGHT TO REMAIN SILENT; ALLEGED VIOLATION OF APPRENDI v NEW JERSEY (530 US 466) BY DEFENDANT'S SENTENCING AS A PERSISTENT FELONY OFFENDER;

GAYDEN (JOHN), PEOPLE v:
CRIMES - SUPPRESSION HEARING - WHETHER TRIAL COURT ERRED IN REFUSING TO SUPPRESS THE GUN DEFENDANT DISCARDED WHILE HE WAS BEING PURSUED BY THE POLICE - WHETHER RADIO DISPATCH BASED ON AN ANONYMOUS TIP PROVIDED BASIS FOR REASONABLE SUSPICION OF CRIMINAL ACTIVITY WARRANTING PURSUIT OF DEFENDANT;

GLICKMAN, MATTER OF LAFFIN (AND TWO OTHER PROCEEDINGS):
ELECTIONS - DESIGNATING PETITIONS - VALIDITY - NY CONSTITUTION, ARTICLE III, SECTION 7 - WHETHER CANDIDATE'S REGISTERING TO VOTE IN WASHINGTON, D.C. IN 2014 PRECLUDED HIM, AS A MATTER OF LAW, FROM ESTABLISHING THE REQUISITE FIVE-YEAR CONTINUOUS RESIDENCY IN NEW YORK - WHETHER CANDIDATE MET THE CONSTITUTIONAL REQUIREMENT THAT HE RESIDE IN THE SENATE DISTRICT FOR ONE YEAR IMMEDIATELY PRECEDING THE ELECTION;

GOOTEE v GLOBAL CREDIT SERVICES, LLC:
CONTRACTS - EMPLOYMENT CONTRACTS - TERMINATION OF COMPANY PRESIDENT - EFFECT OF NO ORAL MODIFICATION CLAUSE IN WRITTEN EMPLOYMENT AGREEMENT; SUMMARY JUDGMENT; COUNTERCLAIM FOR REPAYMENT OF CERTAIN FORGIVABLE LOANS;

GUERIN (ZACHARY T.), PEOPLE v:
CRIMES - TRESPASSING - DEFENDANT TICKETED FOR WALKING ON POSTED LAND - DEFENDANT CHALLENGED TICKET ON GROUNDS THAT SIGNS POSTED WHERE HE WAS WALKING DID NOT COMPLY WITH ENVIRONMENTAL CONSERVATION LAW § 11-2111(2)'S REQUIREMENT THAT THE SIGN STATE THE NAME AND ADDRESS OF THE LAWFUL OWNERS OF THE LAND;

GUERRERO (LERIO), PEOPLE v:
CRIMES - INDICTMENT - IDENTIFICATION OF DEFENDANT BY DNA PROFILE - VALIDITY OF DNA INDICTMENT AND ITS AMENDMENT TO ADD THE NAME OF DEFENDANT ONCE HE WAS IDENTIFIED AS THE SOURCE OF THE DNA; PLEA OF GUILTY - WHETHER DEFENDANT FORFEITED THE RIGHT TO CHALLENGE THE INDICTMENT BY PLEADING GUILTY;

HAIN, &c. v JAMISON, et al.:
ANIMALS - ROAMING ON HIGHWAY - PERSON STRUCK BY VEHICLE WHILE ALLEGEDLY HELPING BABY CALF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE ALLEGED NEGLIGENCE OF THE DEFENDANT IN ALLOWING A CALF TO ESCAPE ITS FARM WAS NOT A PROXIMATE CAUSE OF THE MOTOR VEHICLE ACCIDENT;

HARDEE (STANLEY), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER LIMITED SEARCH OF CAR STOPPED FOR TRAFFIC VIOLATIONS WAS JUSTIFIED AFTER DEFENDANT HAD BEEN REMOVED FROM THE CAR AND FRISKED - PEOPLE v TORRES (74 NY2d 224 [1989]);

HENDERSON (STEVEN), PEOPLE v:
CRIMES - APPEAL - PRESERVATION OF ISSUE FOR REVIEW - RIGHT TO SPEEDY TRIAL; CRIMES - RIGHT TO SPEEDY TRIAL - WHETHER THE PROSECUTION'S DELAY IN SEEKING THE TESTING OF DNA IS AN EXCEPTIONAL CIRCUMSTANCE EXCLUDABLE FROM SPEEDY TRIAL COMPUTATION UNDER CPL 30.30;

ESTATE OF EDMUND FELIX HENNEL, MATTER OF:
CONTRACTS - AGREEMENT TO SATISFY MORTGAGE OUT OF ESTATE ASSETS - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT, ALTHOUGH DECEDENT REVOKED PRIOR WILL DIRECTING ESTATE TO PAY MORTGAGE ON PROPERTY HE TRANSFERRED BY DEED TO HIS GRANDCHILDREN, GRANDCHILDREN ESTABLISHED THEIR CLAIM AGAINST THE ESTATE FOR PAYMENT OF THE MORTGAGE BASED UPON THE DOCTRINE OF PROMISSORY ESTOPPEL, AND THAT THE ESTATE WAS ESTOPPED FROM INVOKING THE STATUTE OF FRAUDS DEFENSE BECAUSE APPLICATION OF THAT DEFENSE WOULD CREATE AN UNCONSCIONABLE RESULT;

HENRY, MATTER OF v FISCHER:
PRISONS AND PRISONERS - DISCIPLINE OF INMATES - WHETHER PETITIONER'S CHALLENGES TO ALLEGED VIOLATIONS OF HIS RIGHTS TO PRESENT DOCUMENTARY EVIDENCE AND CALL WITNESSES AT HIS DISCIPLINARY HEARING WERE PRESERVED FOR JUDICIAL REVIEW; WAIVER OF PETITIONER'S RIGHTS TO PRESENT DOCUMENTARY EVIDENCE AND CALL WITNESSES;

HERNANDEZ (RODOLFO), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - ADMISSION OF CHILD'S OUT-OF-COURT COMMUNICATIONS, AS TESTIFIED TO BY HER PARENTS - EXCITED UTTERANCE EXCEPTION TO THE HEARSAY RULE - WHETHER CHILD'S COMMUNICATIONS WERE NONTESTIMONIAL IN NATURE; WHETHER VERDICT WAS AGAINST THE WEIGHT OF THE EVIDENCE;

HONGHIRUN (NIRUN), PEOPLE v:
CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO SEEK AN IN LIMINE RULING PRECLUDING DELAYED DISCLOSURE EVIDENCE, OR OBJECTING TO

ITS ADMISSION INTO EVIDENCE UNDER THE PROMPT OUTCRY EXCEPTION TO THE HEARSAY RULE, AND ELICITING ON CROSS EXAMINATION DETAILS BOLSTERING COMPLAINANT'S CLAIMS;

JACKSON (THOMAS), PEOPLE v:
CRIMES - PROOF OF PRIOR CONVICTIONS - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT SANDOVAL ERROR BY SUPREME COURT IN ALLOWING CROSS EXAMINATION REGARDING DEFENDANT'S JUVENILE DELINQUENCY ADJUDICATION WAS HARMLESS; RIGHT TO BE PRESENT AT TRIAL - VALIDITY OF DEFENDANT'S WAIVER TO BE PRESENT AT SIDEBAR CONFERENCES;

JONES (EARL), PEOPLE v:
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE AS AN EXCITED UTTERANCE OR A PRESENT SENSE IMPRESSION AN OUT-OF-COURT STATEMENT MADE BY AN UNIDENTIFIED BYSTANDER TO A POLICE OFFICER - ALLEGED DUE PROCESS AND CONFRONTATION CLAUSE VIOLATIONS; SUFFICIENCY OF THE EVIDENCE SUPPORTING DEFENDANT'S CONVICTION OF BURGLARY IN THE THIRD DEGREE;

JOHNSON, MATTER OF v ANNUCCI, &c.:
PRISONS AND PRISONERS - CONDITIONS OF CONFINEMENT - JUDICIAL REVIEW OF DENIAL OF INMATE GRIEVANCE - WHETHER THE CHANGE IN PETITIONER'S PAY GRADE AND JOB ASSIGNMENT AND DENIAL OF HIS REQUEST FOR PREFERENCE TRANSFER WAS ARBITRARY AND CAPRICIOUS, IRRATIONAL OR AFFECTED BY AN ERROR OF LAW, WHERE PETITIONER REFUSED TO COMPLETE THE SEX OFFENDER COUNSELING AND TREATMENT PROGRAM BASED UPON HIS CLAIM OF INNOCENCE OF THE UNDERLYING SEX OFFENSE CRIME;

JOHNSON (CLINTON), PEOPLE v:
CRIMES - TIMELINESS OF PROSECUTION - DUE PROCESS - PREINDICTMENT DELAY OF OVER 53 MONTHS - WHETHER DEFENDANT WAS REQUIRED TO SHOW MALICE OR BAD FAITH BY THE PROSECUTOR AND THAT WITNESSES OR EVIDENCE LOST DURING DELAY WOULD HAVE BEEN EXCULPATORY;

JOHNSON (MICHAEL), PEOPLE v:
CRIMES - SUPPRESSION HEARING - VOLUNTARINESS OF STATEMENTS - WHETHER THE APPELLATE DIVISION CORRECTLY DETERMINED THAT PRE-ARRAIGNMENT DELAY AND CIRCUMSTANCES SURROUNDING INTERROGATION DURING THAT TIME DID NOT ESTABLISH THAT DEFENDANT'S STATEMENTS TO POLICE WERE INVOLUNTARY; WITNESSES - FAILURE TO CALL WITNESS - WHETHER TRIAL COURT PROPERLY DENIED DEFENDANT'S REQUEST FOR A MISSING WITNESS CHARGE AS TO VICTIM'S SON, AN EYEWITNESS TO THE CRIME; PROOF OF OTHER CRIMES - WHETHER THE TRIAL COURT PROPERLY DENIED DEFENDANT'S MOTION FOR A MISTRIAL, WHERE IT SUSTAINED DEFENDANT'S OBJECTION TO IMPROPER TESTIMONY BY A COOPERATING

WITNESS, STRUCK THAT PORTION OF HIS TESTIMONY AND PROVIDED A CURATIVE INSTRUCTION; DISCLOSURE - DELAY IN PROVIDING EVIDENTIARY MATERIALS REGARDING COOPERATING WITNESS;

JOSEPH (RONEL), PEOPLE v:
CRIMES - BURGLARY - BURGLARY OF A DWELLING - INTRUSION INTO NONRESIDENTIAL PART OF APARTMENT BUILDING - WHETHER, UNDER PEOPLE v McCRAY (23 NY3d 621 [2014]), DEFENDANT WAS PROPERLY CONVICTED OF SECOND-DEGREE BURGLARY, WHICH REQUIRES ENTRY INTO A "DWELLING," BASED ON HIS ENTRY INTO THE BASEMENT OF A STORE ON THE GROUND FLOOR OF A SEVEN-FLOOR APARTMENT BUILDING; WHETHER THE EVIDENCE WAS LEGALLY SUFFICIENT TO ESTABLISH DEFENDANT'S ENTRY WITH THE INTENT TO COMMIT A CRIME;

JUSTINIAN CAPITAL SPC &c. v WestLB AG, &c., et al.:
CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - FRAUD - AGREEMENT TO PURCHASE NOTES - WHETHER PLAINTIFF'S PURPORTED PURCHASE OF NOTES FROM NONPARTY BANK WAS SUFFICIENT BASIS FOR PLAINTIFF TO AVAIL ITSELF OF THE SAFE HARBOR PROVISION OF THE CHAMPERTY STATUTE (JUDICIARY LAW § 489[1]) - IF NOT, WHETHER PLAINTIFF'S ACQUISITION OF THE NOTES WAS CHAMPERTOUS;

KANGAS (ROY S.), PEOPLE v:
CRIMES - EVIDENCE - BUSINESS RECORDS - ELECTRONIC RECORDS - WHETHER THE TRIAL COURT IMPROPERLY ADMITTED BREATH TEST DOCUMENTS INTO EVIDENCE UNDER THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE;

KELLY, MATTER OF v DiNAPOLI:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT SUBSTANTIAL EVIDENCE SUPPORTS THE COMPTROLLER'S DETERMINATION THAT PETITIONER'S INJURY DID NOT RESULT FROM AN "ACCIDENT" WITHIN THE MEANING OF RETIREMENT AND SOCIAL SECURITY LAW § 363 AND, THEREFORE, PETITIONER WAS NOT ENTITLED TO ACCIDENTAL DISABILITY RETIREMENT BENEFITS;

KILLON v PARROTTA:
TRIAL - VERDICT - SETTING VERDICT ASIDE - ASSAULT AND BATTERY - CHALLENGE TO APPELLATE DIVISION ORDER SETTING ASIDE A JURY VERDICT AND ORDERING A NEW TRIAL ON THE GROUND THAT NO FAIR INTERPRETATION OF THE EVIDENCE SUPPORTED THE CONCLUSION THAT DEFENDANT ACTED IN SELF-DEFENSE; COURTS - LAW OF THE CASE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE TRIAL COURT DID NOT ERR IN REFUSING TO ISSUE A JUSTIFICATION CHARGE AT SECOND TRIAL ON THE GROUND THAT THE APPELLATE DIVISION PREVIOUSLY DETERMINED, BASED ON THE EVIDENCE AT THE FIRST TRIAL, THAT DEFENDANT WAS THE INITIAL AGGRESSOR, WHERE THE EVIDENCE WAS THE SAME AT THE SECOND TRIAL; WHETHER THE TRIAL COURT IN SECOND TRIAL

WAS REQUIRED TO GIVE SAME COMPARATIVE FAULT CHARGE IT GAVE DURING FIRST TRIAL; EVIDENCE - WHETHER TESTIMONY THAT DEFENDANT HAD THREATENED TO BEAT HIS EX-WIFE, WHO WAS THEN PLAINTIFF'S FRIEND, WAS ADMISSIBLE TO PROVIDE CONTEXT FOR ASSAULT VICTIM'S "PROVOCATIVE CONDUCT" - NEED FOR CURATIVE INSTRUCTION REGARDING SUCH TESTIMONY;

KIMMEL v STATE OF NEW YORK et al.:
STATE - EQUAL ACCESS TO JUSTICE ACT (EAJA) (CPLR ARTICLE 86) - WHETHER PREVAILING PARTY IN A SEX DISCRIMINATION ACTION FOR MONEY DAMAGES AGAINST THE STATE IS ELIGIBLE TO RECOVER ATTORNEYS' FEES AND EXPENSES UNDER THE EAJA;

LAVENDER, MATTER OF v ZONING BOARD OF APPEALS OF THE TOWN OF BOLTON:
MUNICIPAL CORPORATIONS - ZONING - WHETHER THE DETERMINATION OF THE ZONING BOARD OF APPEALS, THAT PETITIONER'S RENTAL OF HIS PROPERTY AS AN EVENT VENUE VIOLATED THE TOWN OF BOLTON'S ZONING CODE, IS SUPPORTED BY THE RECORD; ALLEGED DUE PROCESS AND EQUAL TREATMENT ISSUES;

LEND LEASE (US) CONSTRUCTION LMB, INC., et al. v ZURICH AMERICAN INSURANCE COMPANY, et al.:
INSURANCE - BUILDER'S RISK POLICY - IN THIS BREACH OF CONTRACT AND DECLARATORY JUDGMENT ACTION, WHETHER THE APPELLATE DIVISION CORRECTLY HELD AS A MATTER OF LAW THAT TOWER CRANE AFFIXED TO BUILDING FOR USE IN THE PERFORMANCE OF CONSTRUCTION WORK WAS NOT "COVERED PROPERTY" BECAUSE IT DID NOT FALL WITHIN THE POLICY'S DEFINITION OF "TEMPORARY WORKS," AND THAT, EVEN IF THE CRANE WAS "COVERED PROPERTY," IT WAS EXCLUDED FROM COVERAGE UNDER THE POLICY'S CONTRACTOR'S TOOLS, MACHINERY, PLANT AND EQUIPMENT EXCLUSION;

MATTER OF LEO, A DISBARRED ATTORNEY:
ATTORNEY AND CLIENT - REINSTATEMENT - DENIAL - WHETHER DUE PROCESS OF LAW REQUIRES THE APPELLATE DIVISION TO ARTICULATE THE REASONS FOR DENYING MOTIONS FOR REINSTATEMENT TO THE BAR - ALLEGED INCORRECT FINDINGS OF FACT - MOVANT'S RELIANCE ON ADVICE OF COUNSEL WHEN UNDERTAKING CERTAIN ACTIONS;

LEONARD (RICHARD M.), PEOPLE v (2 APPEALS):
CRIMES - RIGHT TO COUNSEL - TRIAL STRATEGY - DEFENSE COUNSEL'S FAILURE TO USE WITNESS'S PRIOR, ALLEGEDLY INCONSISTENT STATEMENTS AT TRIAL AND TO REQUEST LIMITING INSTRUCTION REGARDING PROOF OF UNCHARGED CRIME ALLEGEDLY COMMITTED AGAINST THE SAME COMPLAINANT; CHALLENGE TO DENIAL OF CPL 440 MOTION WITHOUT A HEARING UPON THE GROUND THAT TRIAL COUNSEL WAS DECEASED AND WAS THE ONLY PERSON WHO COULD HAVE PROVIDED ANY MATERIAL INFORMATION NOT ALREADY BEFORE THE COURT; PROOF OF OTHER CRIMES - ALLEGED MOLINEUX

VIOLATION - WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING TESTIMONY REGARDING PRIOR UNCHARGED CRIME OF SEXUAL ABUSE OF VICTIM WHILE UNCONSCIOUS AS PROBATIVE OF DEFENDANT'S MOTIVE AND INTENT AND AS PROVIDING NECESSARY BACKGROUND INFORMATION;

LIN (HAO), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - WHETHER A POLICE OFFICER WHO OBSERVED THE ADMINISTRATION OF A BREATHALYZER TEST TO DEFENDANT BY ANOTHER OFFICER, WHO WAS ALSO QUALIFIED TO ADMINISTER THAT BREATHALYZER TEST, AND WHO TESTIFIED AT TRIAL BECAUSE THE TESTING OFFICER WAS UNAVAILABLE, SATISFIED THE STANDARDS FOR QUALIFYING AS A SUBSTITUTE WITNESS UNDER BULLCOMING v NEW MEXICO (564 US 647 [2011]);

LOEHR et al., MATTER OF v ADMINISTRATIVE BOARD OF THE COURTS OF THE STATE OF NEW YORK:
JUDGES - CERTIFICATION OF JUSTICE FOR JUDICIAL SERVICE BEYOND THE MANDATORY RETIREMENT AGE OF 70 - WHETHER POLICY OF ADMINISTRATIVE BOARD OF THE COURTS OF THE STATE OF NEW YORK THAT "NO JUDGE HENCEFORTH CERTIFICATED FOR SERVICE AS A JUSTICE OF THE SUPREME COURT PURSUANT TO JUDICIARY LAW § 115 MAY RECEIVE, CONCURRENT WITH RECEIPT OF A SALARY FOR SUCH SERVICE, A RETIREMENT ALLOWANCE FOR PRIOR JUDICIAL SERVICE WITHIN THE UNIFIED COURT SYSTEM" VIOLATES NY CONSTITUTION, ARTICLE V, § 7, JUDICIARY LAW § 115(3) AND RETIREMENT AND SOCIAL SECURITY LAW § 212;

LOFTON (DAVID), PEOPLE v:
CRIMES - SENTENCE - YOUTHFUL OFFENDER - DENIAL OF YOUTHFUL OFFENDER STATUS - WHETHER THE TRIAL COURT'S STATEMENTS AT SENTENCING SATISFIED THE REQUIREMENT SET FORTH IN PEOPLE v MIDDLEBROOKS (25 NY3d 516, 522 [2015]) THAT THE COURT "DETERMINE ON THE RECORD IF [DEFENDANT] WAS AN ELIGIBLE YOUTH DUE TO THE EXISTENCE OF ONE OR MORE OF THE FACTORS SET FORTH IN CPL 720.10(3)";

MADEIROS, MATTER OF v NEW YORK STATE EDUCATION DEPARTMENT et al.:
PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - CPLR ARTICLE 78 PROCEEDING TO REVIEW RESPONDENT NEW YORK STATE EDUCATION DEPARTMENT'S DENIAL OF PETITIONER'S REQUEST FOR DOCUMENTS UNDER THE FREEDOM OF INFORMATION LAW (FOIL) - FOIL REQUEST FOR DOCUMENTS RELATED TO FISCAL AUDITS OF PRESCHOOL SPECIAL EDUCATION PROGRAMS AUTHORIZED BY EDUCATION LAW § 4410 - WHETHER THE APPELLATE DIVISION ERRONEOUSLY CONCLUDED THAT THE LAW ENFORCEMENT EXCEPTION TO FOIL PERMITS RESPONDENT TO WITHHOLD THE DOCUMENTS AT ISSUE - PUBLIC OFFICERS LAW § 87(2)(e) AND (g); ATTORNEYS' FEES RECOVERABLE UNDER FOIL;

MAKI v BASSETT HEALTHCARE, et al.:
JUDGMENTS - RES JUDICATA - COLLATERAL ESTOPPEL - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT PLAINTIFF'S CLAIMS IN THIS ACTION WERE BARRED BY RES JUDICATA AND COLLATERAL ESTOPPEL BECAUSE THEY AROSE FROM THE SAME SERIES OF TRANSACTIONS AS PLAINTIFF'S PRIOR STATE AND FEDERAL ACTIONS, BOTH OF WHICH WERE DISMISSED; WHETHER SUPREME COURT ABUSED ITS DISCRETION IN AWARDING DEFENDANTS REASONABLE COSTS AND ATTORNEYS' FEES PURSUANT TO CPLR 8303-a;

MALDONADO (FERNANDO), PEOPLE v:
CRIMES - LARCENY - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED DEFENDANT'S CONVICTION FOR GRAND LARCENY OF REAL PROPERTY BASED ON A FORGED DEED - SUFFICIENCY OF EVIDENCE TO SUPPORT POSSESSION AND ATTEMPT CHARGES; EFFECTIVENESS OF COUNSEL;

MANKO v LENOX HILL HOSPITAL:
APPEAL - APPELLATE DIVISION - DENIAL OF MOTION TO REINSTATE APPEALS AND VACATE VARIOUS APPELLATE DIVISION ORDERS;

MASON (LANZE R.), PEOPLE v:
CRIMES - INSTRUCTIONS - DEFENSE OF JUSTIFICATION - WHETHER THE TRIAL COURT PROPERLY DETERMINED, IN DENYING DEFENDANT'S REQUEST FOR A JUSTIFICATION CHARGE, THAT DEFENDANT USED DEADLY PHYSICAL FORCE WHEN HE STRUCK THE COMPLAINANT IN THE FACE WITH A GLASS BOTTLE; JURORS - SELECTION OF JURY - PROPRIETY OF COURT'S COMMENT THAT ANY PROSPECTIVE JUROR WHO WAS EXCUSED BASED ON HIS OR HER DIFFICULTY WITH THE ENGLISH LANGUAGE WOULD BE REQUIRED TO TAKE A COURSE IN ENGLISH - CLAIMED MODE OF PROCEEDINGS ERROR;

MATSEN, MATTER OF v NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, et al:
ADMINISTRATIVE LAW - DELEGATION OF LEGISLATIVE POWER - VALIDITY OF REGULATION - REGULATION GOVERNING TREATMENT OF RELICENSING OF PERSONS WITH MULTIPLE ALCOHOL OR DRUG-RELATED DRIVING OFFENSES AND ONE OR MORE "SERIOUS DRIVING OFFENSES" (15 NYCRR 136.5) - WHETHER 15 NYCRR 136.5(a)(2) ARBITRARILY DESIGNATES A "CONVICTION OF TWO OR MORE VIOLATIONS FOR WHICH FIVE OR MORE POINTS ARE ASSESSED ON A VIOLATOR'S DRIVING RECORD" TO BE A SERIOUS DRIVING OFFENSE - CHALLENGE TO REGULATION AS VIOLATING THE SEPARATION OF POWERS DOCTRINE, ULTRA VIRES, CONFLICTING WITH EXISTING STATUTES, VIOLATING THE EX POST FACTO CLAUSE, ARBITRARY AND CAPRICIOUS, AND EFFECTING AN EXCESSIVE PENALTY AS APPLIED TO PETITIONER;

McCAIN (DOUGLAS), PEOPLE v:
CRIMES - POSSESSION OF WEAPON - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER FACTUAL ALLEGATIONS WERE SUFFICIENT TO SUPPORT CHARGE OF CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, WHERE DEFENDANT TOLD ARRESTING OFFICER THAT HE POSSESSED

A RAZOR KNIFE CLIPPED TO THE OUTSIDE OF HIS PANTS POCKET FOR SELF PROTECTION - WHETHER APPELLATE TERM IMPROPERLY RELIED ON THE PRESUMPTION CONTAINED IN PENAL LAW § 265.15(4) IN UPHOLDING THE ACCUSATORY INSTRUMENT;

McFADDEN v STATE OF NEW YORK:
STATE - CLAIM AGAINST STATE - CLAIM BY PRISONER THAT CORRECTION OFFICERS USED EXCESSIVE FORCE AND ASSAULTED HIM, AND THAT HE WAS THEREAFTER PROVIDED WITH INADEQUATE MEDICAL CARE; SUMMARY JUDGMENT - MOTION FOR PARTIAL SUMMARY JUDGMENT DENIED;

McMILLAN (EVERETT B.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - AFTER DEFENDANT WAS ARRESTED INSIDE A BUILDING ON A PAROLE WARRANT, HIS CAR WAS SEARCHED WITHOUT A WARRANT BASED ON A TIP RECEIVED EARLIER IN THE DAY ABOUT A GUN IN THE VEHICLE - WHETHER GUN SHOULD HAVE BEEN SUPPRESSED; RIGHTS OF PAROLEES; WHETHER TRIAL COURT MADE ERRONEOUS RULING ABOUT DEFENSE COUNSEL'S REASON FOR STRIKING A PROSPECTIVE JUROR;

MENDEZ, MATTER OF v NEW YORK CITY DEPARTMENT OF EDUCATION, et al.:
SCHOOLS - TEACHERS - PERFORMANCE REVIEW - WHETHER THE APPELLATE DIVISION ERRED IN ANNULLING THE TERMINATION OF A PROBATIONARY TEACHER'S EMPLOYMENT BASED UPON THE COURT'S CONCLUSION THAT TEACHER'S UNSATISFACTORY RATING ON PERFORMANCE REVIEW LACKED A RATIONAL BASIS;

MENKES v GOLOMB:
ATTORNEY AND CLIENT - COMPENSATION - FEE-SHARING AGREEMENT - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING MOTIONS TO FIX ATTORNEYS' FEES AT CERTAIN STATED PERCENTAGES UPON THE GROUND THAT THE AGREEMENTS AT ISSUE UNAMBIGUOUSLY PROVIDED FOR THE SHARING OF FEES AT THOSE PERCENTAGES;

MESTECKY, MATTER OF v CITY OF NEW YORK, et al.:
PROCESS - SERVICE OF PROCESS - NOTICES OF VIOLATION (NOVs) ISSUED BY NEW YORK CITY DEPARTMENT OF BUILDINGS (DOB) - WHETHER DOB INSPECTOR'S ONE ATTEMPT AT PERSONAL SERVICE OF NOVs AT THE PREMISES WHERE THE VIOLATIONS OCCURRED SATISFIED THE "REASONABLE ATTEMPT" REQUIREMENT SET FORTH IN NEW YORK CITY CHARTER § 1049-a(d)(2)(b) SO THAT RESORT TO "AFFIX AND MAIL" SERVICE WAS APPROPRIATE - WHETHER REFERENCE TO CPLR ARTICLE 3 IN THE NEW YORK CITY CHARTER'S "AFFIX AND MAIL" PROVISION INCORPORATES THE "DUE DILIGENCE" REQUIREMENT OF CPLR ARTICLE 3; WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE DETERMINATIONS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE, ARE NOT AFFECTED BY AN ERROR OF LAW, AND ARE NOT ARBITRARY AND CAPRICIOUS;

MILLER (JAMES), PEOPLE v:
CRIMES - JURORS - SELECTION OF JURY - QUESTIONING OF PROSPECTIVE JURORS - WHETHER THE TRIAL COURT ERRED IN PRECLUDING DEFENDANT FROM QUESTIONING PROSPECTIVE JURORS DURING VOIR DIRE REGARDING WHETHER THEY COULD DISREGARD A CONFESSION IF THEY FOUND IT TO BE INVOLUNTARY WHERE THE PEOPLE HAD NOT YET DECIDED WHETHER THEY WOULD INTRODUCE DEFENDANT'S STATEMENTS AT TRIAL; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER DEFENSE COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO VARIOUS COMMENTS MADE BY THE PROSECUTOR IN SUMMATION;

MINEMIER (KEVIN M.), PEOPLE v:
CRIMES - SENTENCE - YOUTHFUL OFFENDER - DENIAL OF YOUTHFUL OFFENDER STATUS - COURT'S FAILURE TO STATE REASONS FOR DENIAL OR TO DISCLOSE CONFIDENTIAL INFORMATION - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, UNDER PEOPLE v RUDOLPH (21 NY3d 497 [2013]), CPL 720.20(1) DOES NOT REQUIRE THE SENTENCING COURT TO STATE ITS REASONS FOR DENYING YOUTHFUL OFFENDER STATUS TO A DEFENDANT; WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT, UNDER CPL 390.50, DEFENDANT WAS NOT ENTITLED TO DISCLOSURE OF ANY INFORMATION IN A DOCUMENT INCLUDED WITH THE PRE-SENTENCE REPORT ON THE BASIS THAT THE SOURCE OF THE INFORMATION WAS PROMISED CONFIDENTIALITY;

MIZRAHI-SROUR v SROUR:
HUSBAND AND WIFE AND OTHER DOMESTIC RELATIONSHIPS - JUDGMENT OF DIVORCE - VARIOUS ALLEGED IMPROPRIETIES OF TRIAL COURT AND LAW GUARDIAN;

MORALES (CRISTIAN), PEOPLE v:
CRIMES - APPEAL - DISMISSAL OF APPEAL - INVOLUNTARILY DEPORTED DEFENDANT - WHETHER APPELLATE TERM ABUSED ITS DISCRETION OR VIOLATED THE RULE SET FORTH IN PEOPLE v VENTURA (17 NY3d 675 [2011]) BY DISMISSING DEFENDANT'S APPEAL FROM THE JUDGMENT OF CONVICTION ON THE GROUND, "AMONG OTHERS," THAT HE HAD BEEN DEPORTED AND WAS UNABLE TO OBEY THE MANDATE OF THE COURT;

MORGAN (PATRICK), PEOPLE v:
CRIMES - INSTRUCTIONS - DEADLOCKED JURY - WHETHER THE TRIAL COURT'S DEADLOCK CHARGE IN RESPONSE TO A DEFECTIVE VERDICT WAS IMPROPERLY COERCIVE; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

MYERS, et al. v SCHNEIDERMAN, &c., et al.:
CONSTITUTIONAL LAW - VALIDITY OF STATUTE - WHETHER PENAL LAW §§ 120.30 AND 125.15, WHICH PROHIBIT PHYSICIAN-ASSISTED SUICIDE, VIOLATE THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE STATE CONSTITUTION AND WHETHER SUCH STATUTES PROHIBIT A LICENSED PHYSICIAN FROM ENGAGING IN THE PRACTICE KNOWN AS "AID IN DYING" TO TERMINALLY ILL, MENTALLY COMPETENT ADULT PATIENTS;

NAZARIO v 222 BROADWAY, LLC, et al.:
NEGLIGENCE - PLAINTIFF INJURED WHEN HE AND LADDER UPON WHICH HE WAS STANDING FELL AFTER PLAINTIFF RECEIVED ELECTRICAL SHOCK - WHETHER APPELLATE DIVISION ERRED IN GRANTING PLAINTIFF'S LABOR LAW § 240(1) CLAIM; PARTIAL SUMMARY JUDGMENT; LIABILITY OF PARTIES FOR CONTRACTUAL INDEMNIFICATION AGAINST THIRD-PARTY DEFENDANT KNIGHT ELECTRICAL SERVICES CORP.;

NEWCOMB, et al., MATTER OF v MIDDLE COUNTRY CENTRAL SCHOOL DISTRICT:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - LATE NOTICE - PROCEEDING FOR LEAVE TO SERVE A LATE NOTICE OF CLAIM OR TO DEEM A LATE NOTICE OF CLAIM TIMELY SERVED - BURDEN OF ESTABLISHING PREJUDICE UNDER GENERAL MUNICIPAL LAW § 50-e - WHETHER COURTS BELOW ABUSED THEIR DISCRETION IN DENYING PETITIONERS' APPLICATION;

NEWMAN v RCPI LANDMARK PROPERTIES:
NEGLIGENCE - PROXIMATE CAUSE - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING SUMMARY JUDGMENT TO DEFENDANTS ON THE GROUND THAT PLAINTIFF'S CHOICE TO USE STACKED MILK CRATES TO CLIMB DOWN FROM A LOADING DOCK, RATHER THAN A LADDER, WAS THE SOLE PROXIMATE CAUSE OF HIS INJURIES;

NEW YORK STATE UNITED TEACHERS, &c., et al. v STATE OF NEW YORK, et al.:
SCHOOLS - CONSTITUTIONALITY OF TAX CAP IMPOSED BY EDUCATION LAW § 2023-a AND REAL PROPERTY TAX FREEZE CREDIT LEGISLATION - WHETHER THE COURTS BELOW PROPERLY HELD THAT THE COMPLAINT FAILED TO STATE CAUSES OF ACTION FOR VIOLATIONS OF THE EDUCATION ARTICLE OF THE STATE CONSTITUTION, THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE STATE AND FEDERAL CONSTITUTIONS, AND PLAINTIFFS' FUNDAMENTAL RIGHT TO VOTE AND TO FREE SPEECH;

NOMURA HOME EQUITY LOAN, INC., &c. v NOMURA CREDIT & CAPITAL, INC. (AND THREE OTHER ACTIONS):
CONTRACTS - BREACH OR PERFORMANCE OF CONTRACT - RESIDENTIAL MORTGAGE-BACKED SECURITIES - WHETHER "SOLE REMEDY" PROVISION REQUIRING DEFENDANT TO CURE OR REPURCHASE MORTGAGE LOANS NOT CONFORMING TO REPRESENTATIONS AND WARRANTIES PROHIBITS PLAINTIFFS FROM SEEKING MONEY DAMAGES FOR BREACH OF A CONTRACTUAL PROVISION PROVIDING THAT THE CONTRACT CONTAINS NO UNTRUE STATEMENTS;

NONNI (MARK), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER POLICE HAD A FOUNDED SUSPICION OF CRIMINALITY JUSTIFYING A LEVEL TWO INQUIRY UNDER PEOPLE v DE BOUR (40 NY2d 210) - WHETHER THE LEVEL OF SUSPICION WAS ELEVATED TO REASONABLE SUSPICION WHEN DEFENDANT FLED, JUSTIFYING PURSUIT AND AN INVESTIGATIVE DETENTION; WHETHER POLICE WERE JUSTIFIED IN CONDUCTING A PROTECTIVE SEARCH OF DEFENDANT'S BAG AND PERSON;

NOVAK (BRIAN), PEOPLE v:
JUDGES - RECUSAL - WHETHER A JUDGE WHO DECIDED DEFENDANT'S PRETRIAL MOTIONS AND PRESIDED OVER HIS BENCH TRIAL MAY DECIDE HIS APPEAL; CRIMES - INFORMATION - WHETHER A PROSECUTOR'S INFORMATION MAY SUPERCEDE A SIMPLIFIED TRAFFIC INFORMATION; WHETHER TRIAL COURT ABUSED ITS DISCRETION BY FAILING TO IMPOSE A SANCTION FOR THE PEOPLE'S ROSARIO VIOLATION; EVIDENCE - WHETHER TRIAL COURT IMPROPERLY ADMITTED EVIDENCE REGARDING HORIZONTAL GAZE NYSTAGMUS (HGN) WITHOUT FIRST ESTABLISHING ITS SCIENTIFIC VALIDITY; WHETHER EVIDENCE PRESENTED AT TRIAL WAS SUFFICIENT TO PROVE THAT DEFENDANT WAS IMPAIRED BY THE USE OF ALCOHOL;

OATES, &c. v NEW YORK CITY TRANSIT AUTHORITY, et al.:
NEGLIGENCE - SUFFICIENCY OF THE EVIDENCE TO ESTABLISH THAT BUS DRIVER WAS NEGLIGENT IN OPERATING A BUS THAT HIT AND KILLED A WOMAN WHILE PULLING OUT OF A BUS STOP - SUFFICIENCY OF THE EVIDENCE UNDER THE NOSEWORTHY DOCTRINE; EXPERT TESTIMONY - SUFFICIENCY OF EXPERT TESTIMONY TO ESTABLISH THAT DECEDENT ENDURED CONSCIOUS PAIN AND SUFFERING PRIOR TO HER DEATH;

O'BRIEN v THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, et al.:
LABOR - SAFE PLACE TO WORK - ELEVATION-RELATED RISK - FALL DOWN WET TEMPORARY OUTDOOR STAIRCASE - APPLICABILITY OF LABOR LAW § 240(1) TO TEMPORARY OUTDOOR STAIRCASE AT WORKSITE - WHETHER PLAINTIFF WAS ENTITLED TO SUMMARY JUDGMENT ON LIABILITY ON HIS CLAIM UNDER LABOR LAW § 240(1);

OCASIO (ALEXIS), PEOPLE v:
CRIMES - CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE - SUFFICIENCY OF ACCUSATORY INSTRUMENT - WHETHER A "RUBBER-GRIPPED, METAL, EXTENDABLE BATON" IS A "BILLY" FOR PURPOSES OF PENAL LAW § 265.01(1);

ODDO v QUEENS VILLAGE COMMITTEE FOR MENTAL HEALTH FOR JAMAICA COMMUNITY ADOLESCENT PROGRAM, INC.:
NEGLIGENCE - DUTY - SUBSTANCE ABUSE TREATMENT FACILITY - CRIMINAL ACTS COMMITTED BY RESIDENT OUTSIDE OF FACILITY - WHETHER DEFENDANT SUBSTANCE ABUSE TREATMENT FACILITY OWED A DUTY OF CARE TO A THIRD PARTY AGAINST WHOM A RESIDENT COMMITS A VIOLENT ACT AFTER THE RESIDENT'S TERMINATION FROM THE PROGRAM;

ODUNBAKU, MATTER OF v ODUNBAKU:
PARENT, CHILD AND FAMILY - SUPPORT - SERVICE OF FINDINGS OF FACT AND ORDER ON PARTY RATHER THAN ATTORNEY - WHETHER, IN LIGHT OF THIS COURT'S DECISION IN BIANCA v FRANK (43 NY2d 168[1977]), A STATUTE OF LIMITATIONS OR OTHER TIME PERIOD FOR SUBMITTING OBJECTIONS TO A FAMILY COURT FACT-FINDING ORDER, PURSUANT TO FAMILY COURT ACT § 439(e), BEGINS TO RUN WHEN COURT PAPERS HAVE BEEN MAILED BY THE CLERK OF THE COURT ONLY TO A PARTY, NOT TO THE PARTY'S ATTORNEY;

O'KANE (DENNIS), PEOPLE v:
CRIMES - VERDICT - CONTENT OF VERDICT SHEET - DEFENSE COUNSEL'S CONSENT TO ANNOTATIONS ON VERDICT SHEET SUMMARIZING SPECIFIC ALLEGATIONS AGAINST DEFENDANT - WHETHER COUNTY COURT ERRED IN HOLDING THAT DEFENSE COUNSEL WAS INEFFECTIVE FOR CONSENTING TO THE VERDICT SHEET ANNOTATIONS AND THAT SUCH ANNOTATIONS CONSTITUTED REVERSIBLE ERROR - ISSUE NOT ADDRESSED BY THE PARTIES BUT RAISED BY COUNTY COURT SUA SPONTE IN ITS OPINION;

TARA N.P. (ANONYMOUS) v WESTERN SUFFOLK BOARD OF COOPERATIVE EDUCATIONAL SERVICES, &c., et al.:
MUNICIPAL CORPORATIONS - TORT LIABILITY - SPECIAL RELATIONSHIP - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING AS A MATTER OF LAW THAT THE COUNTY WAS NOT LIABLE EITHER (1) FOR ITS REFERRAL OF A SEX OFFENDER TO WORK AT THE SCHOOL PLAINTIFF ATTENDED OR (2) AS LANDLORD OF THE BUILDING WHERE PLAINTIFF WAS ASSAULTED; GOVERNMENTAL IMMUNITY - SPECIAL DUTY; SUMMARY JUDGMENT;

PABON (LUIS A.), PEOPLE v:
CRIMES - TIMELINESS OF PROSECUTION - TOLL OF LIMITATIONS PERIOD FOR SEXUAL OFFENSES COMMITTED AGAINST MINOR - WHETHER THE APPELLATE DIVISION CORRECTLY CONCLUDED THAT THE INDICTMENT WAS NOT TIME-BARRED; HARMLESS AND PREJUDICIAL ERROR - PERMITTING DETECTIVE TO TESTIFY THAT DEFENDANT LIED DURING INTERVIEW - WHETHER THE APPELLATE DIVISION PROPERLY HELD THAT THE DETECTIVE'S TESTIMONY WAS HARMLESS; WITNESSES - EXTRINSIC EVIDENCE NOT PERMITTED TO CONTRADICT WITNESS'S ANSWERS CONCERNING COLLATERAL MATTERS SOLELY TO IMPEACH CREDIBILITY; ARGUMENT AND CONDUCT OF COUNSEL - PROSECUTOR'S COMMENTS DURING SUMMATION; EVIDENCE - WHETHER THE APPELLATE DIVISION CORRECTLY REJECTED DEFENDANT'S CLAIM THAT THE TRIAL COURT'S REFUSAL TO SEQUESTER CERTAIN EVIDENCE DEPRIVED HIM OF APPELLATE REVIEW OF HIS MISTRIAL MOTION BASED ON THE TRIAL COURT'S ALLEGED MISCONDUCT;

PARKER (LAWRENCE), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE RECORD SUPPORTS THE CONCLUSION THAT DEFENDANT ACTIVELY FLED FROM POLICE, THUS ELEVATING THE LEVEL OF SUSPICION UNDER PEOPLE v DE BOUR (40 NY2d 210) TO REASONABLE SUSPICION;

PASTOR (NATALIO), PEOPLE v:
CRIMES - PLEA OF GUILTY - WHETHER PLEA WAS KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY MADE WHERE TRIAL COURT FAILED TO CORRECT DEFENDANT'S COUNSEL'S ASSERTION THAT DEPORTATION OR DENIAL OF NATURALIZATION CONSEQUENCES OF THE PLEA WERE "NOT RELEVANT TO THIS CASE" AND FAILED TO ADVISE DEFENDANT ABOUT A POSSIBLE JUSTIFICATION DEFENSE MENTIONED IN THE PRESENTENCE REPORT;

PATROLMEN'S BENEVOLENT ASSOCIATION OF THE CITY OF NEW YORK, INC., et al. v CITY OF NEW YORK, et al.:
MUNICIPAL CORPORATIONS - HOME RULE POWERS - WHETHER LOCAL LAW NO. 71 (2013) OF CITY OF NEW YORK § 1, WHICH PROHIBITS DISCRIMINATORY POLICING IN NEW YORK CITY, IS PREEMPTED BY THE CRIMINAL PROCEDURE LAW UNDER FIELD OR CONFLICT PREEMPTION PRINCIPLES;

PATTERSON (ROBERT), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - AUTHENTICATED RECORDS ADMITTED AS CIRCUMSTANTIAL EVIDENCE OF DEFENDANT'S IDENTITY - WHETHER THE TRIAL COURT PROPERLY ADMITTED, PURSUANT TO THE BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE, SUBSCRIBER INFORMATION FROM PRE-PAID CELLULAR PHONE RECORDS, WHICH THE ACCOUNT HOLDERS WERE NOT OBLIGATED TO PROVIDE AND WHICH THE CELL PHONE COMPANY DID NOT INDEPENDENTLY VERIFY;

PENA (MICHAEL), PEOPLE v:
CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - CHALLENGE TO AGGREGATE SENTENCE OF 75 YEARS TO LIFE AS SO DISPROPORTIONATE TO SENTENCES IMPOSED FOR SIMILAR AND GREATER OFFENSES THAT IT CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT;

MATTER OF PEOPLE OF THE STATE OF NEW YORK, &c. v THE TRUMP ENTREPRENEUR INITIATIVE, LLC, &c, et al.:
FRAUD - OPERATION OF UNLICENSED EDUCATIONAL INSTITUTION - SPECIAL PROCEEDING BY ATTORNEY GENERAL TO ENJOIN FRAUDULENT OR ILLEGAL ACTS UNDER EXECUTIVE LAW § 63(12) - WHETHER THE APPELLATE DIVISION PROPERLY REINSTATED THE STATE'S CAUSE OF ACTION PURPORTING TO ALLEGE FRAUD UNDER EXECUTIVE LAW § 63(12) AS AN INDEPENDENT CAUSE OF ACTION - APPLICABILITY OF RESIDUAL SIX-YEAR STATUTE OF LIMITATIONS IN CPLR 213(1) - NECESSITY TO ESTABLISH ELEMENTS OF SCIENTER AND RELIANCE; AFFIRMATIVE DEFENSES - WHETHER THE TRIAL COURT PROPERLY DISMISSED RESPONDENTS' AFFIRMATIVE DEFENSES IN PART; DISCOVERY - WHETHER THE TRIAL COURT PROPERLY DENIED RESPONDENTS' REQUEST FOR DISCOVERY IN PART;

PERKINS (ANTHONY), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - LINEUP - WHETHER LINEUP IS UNDULY SUGGESTIVE WHERE ONLY ONE LINEUP SUBJECT HAS A PARTICULAR PHYSICAL FEATURE (DREADLOCKS) DESCRIBED BY SOME BUT NOT ALL OF THE IDENTIFYING WITNESSES; FAILURE OF PROSECUTION TO PRESERVE A 911 TAPE RECORDING CONTAINING POTENTIALLY EXCULPATORY INFORMATION; CLAIMED FAILURE OF TRIAL JUDGE TO MAKE FACTUAL FINDINGS REGARDING REASONS PROFFERED FOR A PEREMPTORY CHALLENGE BEFORE CONCLUDING THAT THE CHALLENGE TO A JUROR WAS NOT RACIALLY MOTIVATED;

PERRY (ROBERT), PEOPLE v:
CRIMES - EVIDENCE - DNA IDENTIFICATION TESTS - PROPRIETY OF DENIAL OF MOTION FOR FORENSIC DNA TESTING - WHETHER DEFENDANT SATISFIED THE "REASONABLE PROBABILITY" STANDARD FOR FORENSIC DNA TESTING UNDER CPL 440.30 - WHETHER A COURT MAY CONSIDER EVIDENCE OUTSIDE THE TRIAL RECORD ON A CPL 440.30 MOTION;

PETKE (HAROLD L.), PEOPLE v:
CRIMES - JURORS - IMPROPER DENIAL OF CHALLENGE FOR CAUSE - WHETHER HARMLESS ERROR ANALYSIS SHOULD BE APPLIED WHERE THE TRIAL COURT FAILED TO DISCHARGE A JUROR FOR CAUSE, DEFENDANT USED A PEREMPTORY CHALLENGE ON THAT JUROR, THE ONE ADDITIONAL JUROR SELECTED AFTER DEFENDANT EXHAUSTED HIS PEREMPTORY CHALLENGES DID NOT PARTICIPATE IN DELIBERATIONS DUE TO A MEDICAL SITUATION, DEFENDANT HAD BEEN GIVEN ADDITIONAL PEREMPTORY CHALLENGES WHEN SELECTING ALTERNATIVE JURORS, AND DEFENDANT CHOOSE NOT TO EXERCISE A PEREMPTORY CHALLENGE ON THE ALTERNATE JUROR WHO REPLACED THE ILL JUROR;

PINK et al. v RICCI, et al.:
NEGLIGENCE - DUTY - WHETHER THE DUTY OF A YOUTH HOCKEY ASSOCIATION AS THE FACILITY LESSOR TO HOCKEY SPECTATORS INCLUDED THE DUTY TO PROTECT PLAINTIFFS FROM ASSAULT BY A FELLOW SPECTATOR - FORESEEABILITY OF FIGHT BREAKING OUT IN LIGHT OF HOSTILE ENVIRONMENT IN THE AREA; SUMMARY JUDGMENT - WHETHER AN ISSUE OF FACT EXISTS;

PRICE (CHRIS), PEOPLE v:
CRIMES - EVIDENCE - PHOTOGRAPH OF DEFENDANT HOLDING GUN - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A PHOTOGRAPH POSTED ON DEFENDANT'S WEBSITE WHERE DEFENSE COUNSEL OBJECTED ON THE GROUND THAT THE PEOPLE FAILED TO LAY A PROPER FOUNDATION BECAUSE THEY DID NOT ESTABLISH THAT THE PHOTOGRAPH WAS GENUINE AND THE COMPLAINANT DID NOT CONFIRM THAT THE GUN IN THE PHOTOGRAPH WAS THE SAME AS THAT USED IN THE ROBBERY; SUFFICIENCY OF THE EVIDENCE ESTABLISHING DEFENDANT'S IDENTITY AS THE MAN WHO ROBBED THE VICTIM AT GUNPOINT;

PRINCES POINT LLC v MUSS DEVELOPMENT LLC, et al.:
VENDOR AND PURCHASER - CONTRACT FOR SALE OF REAL PROPERTY - WHETHER PROSPECTIVE PURCHASER OF REAL PROPERTY COMMITS ANTICIPATORY BREACH OF CONTRACT BY COMMENCING AN ACTION AGAINST SELLERS FOR RESCISSION OF THE CONTRACT BEFORE THE CLOSING DATE - WHETHER SELLERS ARE REQUIRED TO ESTABLISH THAT THEY ARE READY, WILLING AND ABLE TO CLOSE AFTER BUYER'S ANTICIPATORY BREACH IN ORDER TO RETAIN THE DEPOSIT AND CERTAIN OTHER PAYMENTS AS LIQUIDATED DAMAGES;

PRINDLE (MICHAEL E.), PEOPLE v:
CRIMES - SENTENCE - PERSISTENT FELONY OFFENDER - WHETHER THE INCREASE IN DEFENDANT'S PRESCRIBED MINIMUM TERM BASED ON HIS ADJUDICATION AS A PERSISTENT FELONY OFFENDER AND A JUDICIAL FINDING THAT "THE HISTORY AND CHARACTER OF THE DEFENDANT AND THE NATURE AND CIRCUMSTANCES OF HIS CRIMINAL CONDUCT ARE SUCH THAT EXTENDED INCARCERATION AND LIFETIME SUPERVISION OF THE DEFENDANT ARE WARRANTED TO BEST SERVE THE PUBLIC INTEREST" (PENAL LAW § 70.10[2]) CONSTITUTES AN INCREASE IN THE PRESCRIBED MINIMUM PREDICATED ON NON-JURY FINDINGS IN VIOLATION OF APPRENDI v NEW JERSEY (530 US 466 [2000]) OR ALLEYN v UNITED STATES (570 US ___, 133 S Ct 2151 [2013]); CHALLENGE TO CONSTITUTIONALITY OF PENAL LAW § 70.10 AND CPL 400.20;

PULLMAN v SILVERMAN, et al.:
PHYSICIANS AND SURGEONS - MALPRACTICE - SUMMARY JUDGMENT - WHETHER DEFENDANT DOCTOR WAS ENTITLED TO SUMMARY JUDGMENT DISMISSING COMPLAINT ALLEGING THAT DOCTOR'S NEGLIGENT ADMINISTRATION OF LIPITOR OR THE COMBINATION OF LIPITOR AND AZITHROMYCIN CAUSED PLAINTIFF'S ATRIOVENTRICULAR HEART BLOCK - WHETHER THE COURTS BELOW CORRECTLY HELD THAT PLAINTIFF FAILED TO SUBMIT EVIDENCE SUFFICIENT TO RAISE A TRIABLE ISSUE OF FACT THAT HIS EXPERTS' OPINIONS REGARDING PROXIMATE CAUSATION WERE GENERALLY ACCEPTED IN THE MEDICAL COMMUNITY - NECESSITY FOR PEER REVIEWED RESEARCH DIRECTLY ON POINT;

RICKETTS (RICARDO), PEOPLE v:
CRIMES - RIGHT OF CONFRONTATION - ALLEGED VIOLATION OF RIGHT OF CONFRONTATION WHEN TRIAL COURT ALLOWED TWO UNDERCOVER POLICE OFFICERS TO TESTIFY ANONYMOUSLY WITHOUT THRESHOLD SHOWING OF NECESSITY FOR ANONYMOUS TESTIMONY; ALLEGED IMPROPER REMARKS MADE BY PROSECUTOR; SENTENCE - CLAIMED EXCESSIVE SENTENCE;

RIVERA, &c. v MONTEFIORE MEDICAL CENTER:
DISCLOSURE - SCOPE OF DISCLOSURE - MEDICAL EXPERT - ADEQUACY OF RESPONSE TO DEMAND FOR INFORMATION CONCERNING EXPERT WITNESS - CHALLENGE TO APPELLATE DIVISION HOLDING THAT TRIAL COURT PROPERLY DENIED AS UNTIMELY PLAINTIFF'S APPLICATION DURING TRIAL TO PRECLUDE DEFENDANT'S EXPERT FROM TESTIFYING THAT A SUDDEN HEART ATTACK, RATHER THAN PNEUMONIA, CAUSED DECEDENT'S DEATH ON GROUND THAT SUCH TESTIMONY CAME AS A SURPRISE BECAUSE DEFENDANT'S EXPERT DISCLOSURE STATEMENT PURSUANT TO CPLR 3101(d) LACKED SPECIFICITY AS TO EXPERT'S OPINION ON CAUSATION - WHETHER TRIAL MOTION WAS UNTIMELY BECAUSE PLAINTIFF FAILED TO OBJECT TO LACK OF SPECIFICITY IN DEFENDANT'S EXPERT DISCLOSURE STATEMENT UPON RECEIPT OF THAT DOCUMENT - WHETHER EXPERT TESTIMONY CONCERNING HEART ATTACK SHOULD HAVE BEEN PRECLUDED AS UNDULY SPECULATIVE;

RIVERA v DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK:
LIENS - MECHANIC'S LIEN - VACATUR OR DISCHARGE - LIEN FOR LIVING EXPENSES OF RELOCATED TENANTS - WHETHER A COURT MAY SUMMARILY DETERMINE IF ASSERTEDLY UNREASONABLE CLAIMED EXPENSES RENDER A LIEN FACIALLY INVALID, OR WHETHER A FORECLOSURE TRIAL IS REQUIRED;

ROSHIA, JR. (JAMES M.), PEOPLE v:
CRIMES - EVIDENCE - DNA IDENTIFICATION TESTS - WHETHER COUNTY COURT ERRED IN DIRECTING DEFENDANT TO PROVIDE A BUCCAL SWAB - WHETHER GRAND JURY INDICTMENT PROVIDED THE REQUISITE PROBABLE CAUSE AND STATUTORY AUTHORITY FOR THE DIRECTION (CPL 240.40[2][b][v]); CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL BASED ON INADEQUATE INVESTIGATION OF CASE, UNRESPONSIVENESS AND FAILURE TO KEEP DEFENDANT APPRISED OF CASE DEVELOPMENTS; WHETHER COUNTY COURT IMPROPERLY ORDERED DEFENDANT TO PAY RESTITUTION WITHOUT A HEARING;

JAMAL S., MATTER OF:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER THE POLICE SEARCH, WHICH INVOLVED REQUIRING THE JUVENILE TO REMOVE HIS SHOES WHILE HE WAS HELD IN TEMPORARY DETENTION PENDING HIS MOTHER'S ARRIVAL AT THE POLICE STATION, WAS REASONABLE;

CITY OF SCHENECTADY, MATTER OF v NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB):
CIVIL SERVICE - PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT - COLLECTIVE BARGAINING - DISCIPLINE OF POLICE - WHETHER THE TAYLOR LAW, AS CODIFIED IN CIVIL SERVICE LAW ARTICLE 14, SUPERCEDED ARTICLE 9 OF THE SECOND CLASS CITIES LAW, MAKING THE MUNICIPALITY'S POLICE DISCIPLINARY PROCEDURES A MANDATORY SUBJECT OF COLLECTIVE BARGAINING - MATTER OF PATROLMEN'S BENEVOLENT ASSN. OF CITY OF N.Y., INC. v NEW YORK STATE PUB. EMPL. RELATIONS BD. (6 NY3d 563 [2006]) AND MATTER OF TOWN OF WALLKILL v CIVIL SERV. EMPLS. ASSN., INC. (LOCAL 1000, AFSCME, AFL-CIO, TOWN OF WALLKILL POLICE DEPT. UNIT, ORANGE COUNTY LOCAL 836) (19 NY3d 1066 [2012]);

SICA, MATTER OF v DiNAPOLI:
CIVIL SERVICE - RETIREMENT AND PENSION BENEFITS - ACCIDENTAL DISABILITY RETIREMENT - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE RECORD DID NOT CONTAIN SUBSTANTIAL EVIDENCE TO SUPPORT THE COMPTROLLER'S DETERMINATION THAT PETITIONER FIREFIGHTER'S INJURIES FROM BEING EXPOSED TO COLORLESS AND ODORLESS GASES WHILE RESPONDING TO AN EMERGENCY AT A SUPERMARKET WERE NOT THE RESULT OF AN "ACCIDENT" WITHIN THE MEANING OF RETIREMENT AND SOCIAL SECURITY LAW § 363;

SIVERTSON (SHAWN J.), PEOPLE v:
CRIMES - UNLAWFUL SEARCH AND SEIZURE - WARRANTLESS ENTRY INTO RESIDENCE - WHETHER EXIGENT CIRCUMSTANCES JUSTIFIED THE WARRANTLESS ENTRY INTO DEFENDANT'S APARTMENT WHERE THE SUBJECT WEAPON WAS A KNIFE, NOT A GUN; RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER TRIAL COUNSEL PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO OBJECT TO CERTAIN COMMENTS MADE BY THE PROSECUTOR DURING SUMMATION, INCLUDING THAT DEFENDANT'S SILENCE UPON HIS ARREST EVIDENCED HIS GUILT;

60 EAST 12TH STREET TENANTS' ASSOCIATION, et al., MATTER OF v NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL (AND ANOTHER PROCEEDING):
LANDLORD AND TENANT - RENT REGULATION - WHETHER THE COURTS BELOW ERRED IN DETERMINING THAT AN "IRREGULARITY IN VITAL MATTERS" WARRANTED A REMAND TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL (DHCR); ADMINISTRATIVE LAW - COLLATERAL ESTOPPEL - CHALLENGE TO DHCR DETERMINATIONS CONCERNING MAJOR CAPITAL IMPROVEMENT (MCI) RENT INCREASE APPLICATION - WHETHER THE APPELLATE DIVISION ERRED IN DETERMINING THAT COLLATERAL ESTOPPEL DID NOT PRECLUDE DHCR FROM CONSIDERING, ON REMAND, THE OWNER'S APPLICATION FOR AN MCI RENT INCREASE BASED ON RESURFACING WORK;

SLOCUM (MATTHEW A.), PEOPLE v:
CRIMES - CONFESSION - STATEMENTS MADE TO POLICE ON THE NIGHT OF DEFENDANT'S ARREST - WHETHER DEFENDANT UNEQUIVOCALLY INVOKED HIS RIGHT TO COUNSEL BEFORE BEING QUESTIONED BY POLICE - IF NOT, WHETHER POLICE WERE REQUIRED TO MAKE A FURTHER INQUIRY INTO DEFENDANT'S DESIRE TO HAVE COUNSEL REPRESENT HIM BEFORE QUESTIONING DEFENDANT ABOUT THE CRIMES - WHETHER STATEMENTS DEFENDANT MADE TO SOCIAL SERVICES CASEWORKER AFTER DEFENDANT'S RIGHT TO COUNSEL ATTACHED SHOULD HAVE BEEN SUPPRESSED UPON THE GROUND THAT THE CASE WORKER WAS ACTING AS AN AGENT OF LAW ENFORCEMENT - ASSUMING ALL OF DEFENDANT'S STATEMENTS SHOULD HAVE BEEN SUPPRESSED, WHETHER THE ERROR IN ADMITTING THEM WAS HARMLESS AS TO DEFENDANT'S ARSON CONVICTION;

SMALLING (OMAR A.), PEOPLE v:
CRIMES - INSTRUCTIONS - SUPPLEMENTAL INSTRUCTION - WHETHER SUPREME COURT ERRED WHEN IT GAVE A SUPPLEMENTAL INSTRUCTION REGARDING CONSTRUCTIVE POSSESSION OF A WEAPON IN RESPONSE TO A NOTE FROM THE JURY;

SMITH (CHARLES), PEOPLE v:
CRIMES - ROBBERY - FIRST DEGREE ROBBERY - WHAT CONSTITUTES "DISPLAY" OF FIREARM - WHETHER THE PROSECUTION PRESENTED LEGALLY SUFFICIENT EVIDENCE ESTABLISHING THAT DEFENDANT DISPLAYED WHAT APPEARED TO BE A FIREARM WHILE ATTEMPTING TO COMMIT A ROBBERY;

SMITH, MATTER OF v CONDON, &c., et al.:
PROCEEDING AGAINST BODY OR OFFICER - RELIEF SOUGHT - WHETHER THE APPELLATE DIVISION ERRED IN TREATING THE PETITION AS ONE FOR MANDAMUS RATHER THAN PROHIBITION AND HOLDING THAT MANDAMUS DOES NOT LIE TO COMPEL SUPREME COURT JUSTICE TO, AMONG OTHER THINGS, VACATE PETITIONER'S JUDGMENT OF CONVICTION IN HIS UNDERLYING CRIMINAL CASE; WHETHER THE APPELLATE DIVISION ERRED IN GRANTING SUFFOLK COUNTY'S MOTION TO DISMISS UNDER CPLR 506;

SMITH (RONI), PEOPLE v:
CRIMES - SENTENCE - SECOND VIOLENT FELONY OFFENDER - RETROACTIVE APPLICATION OF PEOPLE v CATU (4 NY3d 242 [2005]) - WHETHER A CONVICTION BY GUILTY PLEA WAS OBTAINED IN VIOLATION OF DEFENDANT'S RIGHTS UNDER THE FEDERAL CONSTITUTION AND THEREFORE COULD NOT BE COUNTED AS A PREDICATE FELONY (see CPL 400.15[7][b]), WHERE THE DEFENDANT WAS NOT ADVISED AT THE TIME OF THE PLEA THAT THE SENTENCE WOULD INCLUDE POSTRELEASE SUPERVISION AND THE PLEA WAS ACCEPTED BEFORE CATU WAS DECIDED - WHETHER DEFENDANT WAS PRECLUDED FROM RELYING ON CATU CHALLENGE TO INVALIDATE THE USE OF THE PRIOR CONVICTION AS A PREDICATE FELONY;

SOSA (WILLIAM), PEOPLE v:
CRIMES - PLEA OF GUILTY - SUFFICIENCY OF ALLOCUTION - WHETHER THE GUILTY PLEA WAS KNOWING, INTELLIGENT, AND VOLUNTARY UNDER PEOPLE v TYRELL (22 NY3d 359 [2013]) AND PEOPLE v CONCEICAO (26 NY3d 375 [2015]) WHERE THE DEFENDANT'S BOYKIN RIGHTS WERE NOT RECITED DURING THE PLEA COLLOQUY;

SPARKS (YUSUF), PEOPLE v:
CRIMES - JUSTIFICATION - WHETHER THE TRIAL COURT ERRED IN REFUSING TO INSTRUCT THE JURY ON DEFENDANT'S ASSERTED JUSTIFICATION DEFENSE; DEFENDANT'S TESTIMONY - WHETHER THE TRIAL COURT ERRED IN PERMITTING THE PEOPLE TO CROSS EXAMINE DEFENDANT REGARDING A PRIOR, UNRELATED ROBBERY CONVICTION;

SPEAKS (LOUIS), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - LINEUP - NO REQUIREMENT THAT LINEUP PARTICIPANTS BE NEARLY IDENTICAL TO DEFENDANT - WHETHER THE LINEUP IN WHICH DEFENDANT WAS IDENTIFIED BY A WITNESS WAS UNDULY SUGGESTIVE; CRIMES - EVIDENCE - WHETHER THE ADMISSION OF TESTIMONY OF A DETECTIVE RECOUNTING DESCRIPTION OF PERPETRATOR GIVEN BY NONTESTIFYING AND TESTIFYING WITNESSES VIOLATED THE HEARSAY RULE OR DEFENDANT'S RIGHT OF CONFRONTATION; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL BECAUSE HIS ATTORNEY FAILED TO OBJECT TO THE PROSECUTOR'S ALLEGEDLY IMPROPER COMMENTS DURING SUMMATION;

SPENCER (DARRELL), PEOPLE v:
CRIMES - JURORS - QUALIFICATION INQUIRY - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GRANT A MISTRIAL WHEN, ON THE FOURTH DAY OF DELIBERATIONS, AFTER DISCHARGE OF THE ALTERNATE JURORS, JUROR NUMBER ONE STATED THAT SHE COULD NOT "SEPARATE [HER] EMOTIONS FROM THE CASE" AND "D[ID NOT] HAVE IT IN [HER]" TO DECIDE THE CASE ON THE FACTS AND LAW; JURY INSTRUCTIONS - INTOXICATION CHARGE - PURPOSEFUL BEHAVIOR - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE AN INTOXICATION CHARGE IN LIGHT OF DEFENDANT'S PURPOSEFUL ATTEMPT TO CONCEAL THE DEATH OF THE VICTIM; SEARCH AND SEIZURE - KNOWINGLY AND VOLUNTARILY EXITING APARTMENT - WHETHER DEFENDANT'S WARRANTLESS ARREST WAS UNLAWFUL UNDER PAYTON v NEW YORK (445 US 573 [1980]);

STATE OF NEW YORK, MATTER OF v FLOYD Y.:
CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - MENTAL ABNORMALITY - WHETHER LEGALLY SUFFICIENT EVIDENCE SUPPORTED THE JURY'S FINDING THAT RESPONDENT HAS SERIOUS DIFFICULTY CONTROLLING HIS SEXUAL MISCONDUCT UNDER MATTER OF STATE OF NEW YORK v DONALD DD. (24 NY3d 174 [2014]);

STATON (DARREN), PEOPLE v:
CRIMES - IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - WHETHER PHOTOGRAPHIC ARRAY USED TO IDENTIFY DEFENDANT WAS UNDULY SUGGESTIVE; SUFFICIENCY OF THE EVIDENCE THAT ONE OF THE COMPLAINANTS SUFFERED PHYSICAL INJURY WITHIN THE MEANING OF PENAL LAW § 10.00(9); RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL AS TO SENTENCING;

STEPHENS (HARVERT), PEOPLE v:
CONSTITUTIONAL LAW - VALIDITY OF ORDINANCE - WHETHER A SYRACUSE NOISE CONTROL ORDINANCE WAS UNCONSTITUTIONALLY VAGUE UNDER PEOPLE v NEW YORK TRAP ROCK CORP. (57 NY2d 371 [1982]);

STEWART (ALFRED), PEOPLE v:
CRIMES - RIGHT TO BE PRESENT AT TRIAL - WHETHER DEFENDANT HAD THE RIGHT TO BE PRESENT AT RESENTENCING WHERE HE WAS RESENTENCED TO CORRECT AN ORIGINALLY ILLEGAL SENTENCE - COUNSEL WAIVED DEFENDANT'S APPEARANCE IN HIS ABSENCE; INVALID WAIVER;

STONE (JOHN), PEOPLE v:
CRIMES - TRIAL - MISTRIAL - WHETHER MOTION FOR MISTRIAL WAS PROPERLY DENIED WHERE THE TRIAL COURT STRUCK AND INSTRUCTED THE JURY TO DISREGARD TESTIMONY BY INVESTIGATING DETECTIVE THAT, AFTER INTERVIEWING DEFENDANT'S WIFE, A WITNESS TO THE CRIME WHO DID NOT TESTIFY AT TRIAL, THE DETECTIVE CONDUCTED SEVERAL COMPUTER CHECKS ON DEFENDANT, "THE PERSON THAT HAD BEEN INDICATED AS A SUSPECT" - PREJUDICIAL EFFECT OF TESTIMONY; VERDICT - SETTING VERDICT ASIDE - ALLEGED JURY MISCONDUCT - WHETHER THE

TRIAL COURT ERRED IN DENYING MOTION TO SET ASIDE VERDICT BASED UPON STATEMENTS MADE BETWEEN COMPLAINANT AND A JUROR WITHOUT HOLDING A HEARING - CPL 330.40(2)(c-e);

STONEHILL CAPITAL MANAGEMENT, LLC v BANK OF THE WEST:
CONTRACTS - FORMATION OF CONTRACT - OFFER AND ACCEPTANCE - WHETHER DEFENDANT BANK OF THE WEST CLEARLY AND UNEQUIVOCALLY ACCEPTED PLAINTIFFS' OFFER TO PURCHASE A LOAN WHERE DEFENDANT STATED THAT IT WOULD NOT BE BOUND WITHOUT AN EXECUTED WRITING;

TARDI (WILSON J.), PEOPLE v:
CRIMES - SUPPRESSION HEARING - EVIDENCE SEIZED FROM VEHICLE WHICH WAS IMPOUNDED AFTER DEFENDANT'S ARREST AND SUBJECTED TO INVENTORY SEARCH PURSUANT TO POLICE DEPARTMENT'S WRITTEN POLICY; CLAIMED UNCONSTITUTIONALITY OF SEARCH AND POLICE POLICY;

TAVERAS v 1149 WEBSTER REALTY CORP., et al.:
NEGLIGENCE - MAINTENANCE OF PREMISES - DEFECTIVE CONDITION ON RAMP LEADING FROM SIDEWALK TO STORE ENTRANCEWAY - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT DEFENDANTS FAILED TO MEET THEIR INITIAL BURDEN OF ESTABLISHING, PRIMA FACIE, THEIR ENTITLEMENT TO SUMMARY JUDGMENT BASED ON THE ASSERTION THAT PLAINTIFF COULD NOT IDENTIFY THE DEFECT THAT CAUSED HIM TO FALL;

TAYLOR, PEOPLE ex rel. v DOLCE:
HABEAS CORPUS - WHEN REMEDY AVAILABLE - WHETHER HABEAS CORPUS LIES WHERE CHALLENGED ERRORS WERE OR COULD HAVE BEEN RAISED ON DIRECT APPEAL OR POST-JUDGMENT MOTION;

THEN (RAFAEL), PEOPLE v:
CRIMES - FAIR TRIAL - WHETHER DEFENDANT WAS DEPRIVED OF HIS RIGHT TO A FAIR TRIAL WHEN HE APPEARED WEARING ORANGE PRISON PANTS DURING JURY SELECTION; WHETHER SUPREME COURT ERRED IN ADMITTING TESTIMONY THAT DEFENDANT POSSESSED A GUN DURING THE MONTH OF THE CRIME; WHETHER THE PROSECUTOR'S SUMMATION DEPRIVED DEFENDANT OF A FAIR TRIAL;

THREE AMIGOS SJL REST., INC., v CBS NEWS, INC., et al.:
LIBEL AND SLANDER - ACTIONABLE WORDS - WHETHER DEFENDANTS' MOTION TO DISMISS LIBEL CLAIMS ASSERTED BY CERTAIN INDIVIDUAL PLAINTIFFS WAS PROPERLY GRANTED UPON THE GROUND THAT THE CHALLENGED STATEMENTS WERE NOT "OF AND CONCERNING" THOSE PLAINTIFFS;

MATTER OF 381 SEARCH WARRANTS DIRECTED TO FACEBOOK, INC.; FACEBOOK v NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE:
CRIMES - SEARCH WARRANT - WARRANT SERVED ON ONLINE SOCIAL NETWORKING SITE - PRE-ENFORCEMENT CHALLENGE ON BEHALF OF TARGET OF WARRANT - WHETHER FACEBOOK, AN ONLINE SOCIAL NETWORKING SERVICE, SERVED WITH A WARRANT FOR CUSTOMER ACCOUNTS, CAN

LITIGATE PRIOR TO ENFORCEMENT THE CONSTITUTIONALITY OF THE WARRANT ON ITS CUSTOMERS' BEHALF; COURTS - APPEALS - APPEALABLE PAPERS;

TURTURRO, et al. v CITY OF NEW YORK, et al.:
MUNICIPAL CORPORATIONS - TORT LIABILITY - WHETHER THE MUNICIPAL DEFENDANT ESTABLISHED ITS ENTITLEMENT TO QUALIFIED IMMUNITY FOR ITS TRAFFIC PLANNING DECISION REGARDING A ROADWAY FOR WHICH IT HAD RECEIVED COMPLAINTS OF SPEEDING AND LACK OF TRAFFIC SIGNALS - WHETHER PLAINTIFFS FAILED TO ESTABLISH THAT ANY ACT OR OMISSION BY THE MUNICIPAL DEFENDANT WAS A PROXIMATE CAUSE OF THE INJURIES TO AN INFANT PLAINTIFF HIT BY A SPEEDING CAR; WHETHER PLAINTIFFS WERE PROPERLY ALLOWED TO ADDRESS AT TRIAL THE MANNER IN WHICH THE MUNICIPAL DEFENDANT RESPONDED TO COMPLAINTS OF SPEEDING AS A LAW ENFORCEMENT MATTER;

VALENTIN (CARLOS), PEOPLE v:
CRIMES - JUSTIFICATION - INITIAL AGGRESSOR EXCEPTION TO JUSTIFICATION DEFENSE (PENAL LAW § 35.15 [1][b]) - WHETHER THE TRIAL COURT ERRED IN INCLUDING IN THE JURY CHARGE THE INITIAL AGGRESSOR EXCEPTION TO THE JUSTIFICATION DEFENSE - TESTIMONY RAISING AN ISSUE OF FACT AS TO WHETHER DEFENDANT WAS THE FIRST TO USE, OR THREATEN TO USE, DEADLY PHYSICAL FORCE - DEFENDANT SHOT VICTIM SWINGING A MOP HANDLE;

VALENTIN (JOSE), PEOPLE v:
CRIMES - AGENCY DEFENSE IN NARCOTICS PROSECUTION - RIGHT OF REBUTTAL - WHETHER THE PEOPLE ARE PERMITTED TO INTRODUCE EVIDENCE OF A PRIOR CONVICTION WHEN A DEFENDANT ASSERTS AN AGENCY DEFENSE BY ADOPTING PORTIONS OF THE PEOPLE'S EVIDENCE THAT SUPPORT THAT DEFENSE, RATHER THAN BY TESTIFYING OR OTHERWISE ELICITING EVIDENCE FROM DEFENSE WITNESSES; WHETHER DEFENDANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

VILLAR v HOWARD:
MUNICIPAL CORPORATIONS - NOTICE OF CLAIM - NOTICE NOT REQUIRED FOR CLAIM AGAINST SHERIFF ARISING OUT OF SEXUAL ASSAULT OF INMATE - NO DUTY BY COUNTY TO INDEMNIFY SHERIFF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT PLAINTIFF WAS NOT REQUIRED TO SERVE A NOTICE OF CLAIM UNDER GENERAL MUNICIPAL LAW § 50-e; NEGLIGENCE - DUTY - DUTY TO PROTECT INMATE FROM SEXUAL ASSAULT BY FELLOW JAIL INMATE - POTENTIAL LIABILITY FOR DEPUTIES' NEGLIGENT TRAINING AND SUPERVISION - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT DEFENDANT OWED A DUTY OF CARE TO PLAINTIFF; SHERIFFS AND CONSTABLES - LIABILITY FOR NEGLIGENCE - SEXUAL ASSAULT OF JAIL INMATE - NO IMMUNITY OWING TO ALLEGEDLY DISCRETIONARY ACTS OF SHERIFF - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT THE ISSUE WHETHER DEFENDANT'S ALLEGED ACTS OF NEGLIGENCE WERE DISCRETIONARY AND THUS IMMUNE FROM LIABILITY CONSTITUTED A FACTUAL QUESTION THAT CANNOT BE DETERMINED AT THE PLEADING STAGE;

VINING (GREGORY), PEOPLE v:
EVIDENCE - ADMISSION AGAINST INTEREST - ADMISSION BY SILENCE - WHETHER A RECORDING OF A PHONE CALL PLACED BY DEFENDANT FROM PRISON TO COMPLAINANT, IN WHICH DEFENDANT WAS SILENT IN THE FACE OF COMPLAINANT'S ACCUSATION OF PHYSICAL ABUSE, WAS PROPERLY ADMITTED AGAINST DEFENDANT AS AN ADOPTIVE ADMISSION BY SILENCE; CLAIMED VIOLATION OF CONSTITUTIONAL RIGHTS;

VIRUET (MIGUEL), PEOPLE v:
CRIMES - INSTRUCTIONS - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE AN ADVERSE INFERENCE CHARGE TO THE JURY AFTER THE POLICE LOST A SURVEILLANCE VIDEO THAT HAD SOME RELEVANCE TO THE SHOOTING AT ISSUE - MISSING EVIDENCE;

WANG v LSUC, et al.:
COURTS - JURISDICTION - LONG-ARM JURISDICTION - WHETHER THE COURTS BELOW PROPERLY HELD THAT PLAINTIFF FAILED TO SHOW DEFENDANTS TRANSACTED SIGNIFICANT BUSINESS IN NEW YORK OR ANY IN-STATE CONNECTION TO HIS CLAIMS; CRIMES - CONSPIRACY - WHETHER THE COURTS BELOW CORRECTLY CONCLUDED THAT PLAINTIFF FAILED TO DEMONSTRATE THAT DEFENDANTS WERE SUBJECT TO CONSPIRACY JURISDICTION;

WARRINGTON (BRANDON), PEOPLE v:
CRIMES - JURORS - SELECTION OF JURY - WHETHER TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION TO DISMISS PROSPECTIVE JUROR NO. 383 FOR CAUSE - WHETHER TRIAL COURT ELICITED A "PERSONAL, UNEQUIVOCAL ASSURANCE OF IMPARTIALITY" AFTER JUROR NO. 383 VOLUNTEERED A DIFFICULTY BEING FAIR IN THE TRIAL INVOLVING A FIVE-YEAR-OLD VICTIM;

WHITEHEAD, JR. (NORMAN), PEOPLE v:
CRIMES - SUFFICIENCY OF THE EVIDENCE - CONTROLLED SUBSTANCES - WHETHER THE EVIDENCE WAS SUFFICIENT TO ESTABLISH DEFENDANT'S POSSESSION AND SALE OF COCAINE WHERE NONE OF THE SUBSTANCE WAS AVAILABLE FOR TESTING AND THE EVIDENCE ESTABLISHING THE NATURE OF THE SUBSTANCE POSSESSED AND SOLD BY DEFENDANT WAS TESTIMONY BY A CO-CONSPIRATOR'S CLIENT ABOUT THE EFFECTS OF THE SUBSTANCE; CONSPIRACY - CRIMINAL SALE OF CONTROLLED SUBSTANCE - ALLEGED DUPLICITOUS COUNTS; WHETHER DEFENDANT WAS DEPRIVED OF A FAIR HEARING BY THE PEOPLE'S COMMENTS AT OPENING AND SUMMATION; JURY INSTRUCTIONS - WHETHER THE TRIAL COURT ERRED IN REFUSING TO GIVE A CIRCUMSTANTIAL EVIDENCE CHARGE TO THE JURY;

WIGGS (IQUAN), PEOPLE v:
CRIMES - JURORS - MEANINGFUL NOTICE TO DEFENDANT OF SUBSTANTIVE JUROR INQUIRY - FAILURE TO RESPOND TO JUROR INQUIRY WHERE JURY FIRST ANNOUNCES IT HAS REACHED A VERDICT - PRESERVATION REQUIREMENT;

WILLIAMS, MATTER OF v DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION:
CRIMES - SEX OFFENDERS - RESIDENCY RESTRICTIONS - WHETHER THE MANDATORY BUFFER ZONE CONTAINED IN THE SEXUAL ASSAULT REFORM ACT (EXECUTIVE LAW § 259-c[14]), WHICH PROHIBITS SEX OFFENDER PAROLEES FROM RESIDING OR TRAVELING WITHIN 1000 FEET OF SCHOOLS OR OTHER INSTITUTIONS WHERE CHILDREN CONGREGATE, VIOLATES THE EX POST FACTO CLAUSE OF THE FEDERAL CONSTITUTION, AND DEPRIVES HIM OF HIS RIGHT TO TRAVEL AND TO SUBSTANTIVE DUE PROCESS UNDER THE FEDERAL AND STATE CONSTITUTIONS;

WILLIAMS, &c., et al. v STATE OF NEW YORK:
STATE - CLAIM AGAINST STATE - PERMISSION TO FILE LATE CLAIM DENIED - WHETHER THE COURT OF CLAIMS ABUSED ITS DISCRETION IN DENYING THAT PART OF CLAIMANTS' MOTION SEEKING PERMISSION TO FILE A LATE CLAIM BASED ON A CONSTITUTIONAL TORT THEORY OR A NEGLIGENT TRAINING THEORY;

WILLIAMS (LEONARD), PEOPLE v:
CRIMES - ARGUMENT AND CONDUCT OF COUNSEL - WHETHER POWER POINT PRESENTATION USED BY PROSECUTOR IN SUMMATION DEPRIVED DEFENDANT OF A FAIR TRIAL - MISCHARACTERIZATION OF TRIAL EVIDENCE - CURATIVE INSTRUCTIONS; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILING TO OBJECT TO VARIOUS COMMENTS DURING PROSECUTOR'S SUMMATION;

WILSON (CHARLES K.), PEOPLE v:
CRIMES - CONFESSION - VOLUNTARY NATURE OF STATEMENTS - WHETHER THE PEOPLE SHOULD HAVE BEEN PRECLUDED FROM CROSS-EXAMINING DEFENDANT WITH STATEMENTS HE MADE TO POLICE AFTER INVOKING HIS MIRANDA RIGHTS - CLAIM THAT POLICE UNLAWFULLY CONTINUED TO QUESTION DEFENDANT KNOWING THAT HIS POST-MIRANDA STATEMENTS COULD BE USED FOR IMPEACHMENT PURPOSES; IDENTIFICATION OF DEFENDANT - PHOTOGRAPHIC ARRAY - INCLUSION OF SINGLE SUSPECT'S PHOTOGRAPH IN SUCCESSIVE ARRAYS - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT IDENTIFICATION EVIDENCE DID NOT HAVE TO BE SUPPRESSED WHERE DIFFERENT PHOTOGRAPHS OF DEFENDANT WERE USED IN EACH PHOTO ARRAY AND WERE PLACED IN A DIFFERENT LOCATION WITHIN EACH ARRAY, AND THE FILLERS WERE VERY SIMILAR IN APPEARANCE TO DEFENDANT;

WILSON v DANTAS, et al.:
COURTS - JURISDICTION - LONG-ARM JURISDICTION - INTERNATIONAL FINANCIAL TRANSACTION - TRANSACTION OF BUSINESS IN NEW YORK - EXECUTION OF CONTRACTS IN NEW YORK - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT THE COMPLAINT SUFFICIENTLY ALLEGED THAT DEFENDANTS TRANSACTED BUSINESS IN NEW YORK AND THAT PLAINTIFF'S CAUSES OF ACTION ARISE FROM DEFENDANTS' NEW YORK CONTACTS - WHETHER THE APPELLATE DIVISION CORRECTLY REJECTED DEFENDANTS' CONTENTION THAT THE ACTION SHOULD BE DISMISSED ON THE GROUND OF FORUM NON CONVENIENS;

WOODS et al., MATTER OF v STATE UNIVERSITY OF NEW YORK et al.:
ARBITRATION - COMPULSORY ARBITRATION - WHETHER PETITIONER HAD THE RIGHT UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT TO ARBITRATE COLLEGE'S TERMINATION OF HIS EMPLOYMENT, WHERE HE WAS A PROBATIONARY EMPLOYEE AT THE TIME BASED UPON A PRIOR ARBITRATION AWARD; WHETHER THE COLLEGE HAD A RATIONAL BASIS FOR TERMINATING PETITIONER'S EMPLOYMENT;

WRIGHT (PHILLIP), PEOPLE v:
CRIMES - SENTENCE - PERSISTENT VIOLENT FELONY OFFENDER - WHETHER THE ADJUDICATION OF DEFENDANT AS A PERSISTENT FELONY OFFENDER WAS BASED ON NON-JURY FINDINGS IN VIOLATION OF THE RULE SET FORTH IN APPRENDI v NEW JERSEY (530 US 466) AND ITS PROGENY; JURORS - WHETHER SUPREME COURT ERRED IN DENYING DEFENDANT'S CHALLENGES FOR CAUSE TO THREE PROSPECTIVE JURORS - FAILURE TO OBTAIN UNEQUIVOCAL ASSURANCES FROM JURORS REGARDING IMPARTIALITY;

MATTER OF YOGA VIDA NYC, INC. v COMMISSIONER OF LABOR:
UNEMPLOYMENT INSURANCE - EMPLOYEE OR INDEPENDENT CONTRACTOR - SUFFICIENT CONTROL OVER INSTRUCTORS TO CREATE EMPLOYMENT RELATIONSHIP - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS THE BOARD'S DETERMINATION THAT NON-STAFF INSTRUCTORS, WHO TAUGHT YOGA CLASSES AT BOTH YOGA VIDA AND OTHER VARIOUS LOCATIONS, WERE IN FACT YOGA VIDA'S EMPLOYEES RATHER THAN INDEPENDENT CONTRACTORS, THUS REQUIRING YOGA VIDA TO MAKE ADDITIONAL UNEMPLOYMENT INSURANCE CONTRIBUTIONS;

PEOPLE OF THE STATE OF NEW YORK ex rel. YONAMINE v CONNOLLY, &c.:
HABEAS CORPUS - WHEN REMEDY APPROPRIATE - WHETHER THE APPELLATE DIVISION CORRECTLY REJECTED RELATOR'S CLAIMS BASED UPON AN ALLEGED O'RAMA ERROR (see PEOPLE v O'RAMA, 78 NY2d 270) AND AN ALLEGED DEPRIVATION OF HIS RIGHT TO BE PRESENT AT ALL MATERIAL STAGES OF THE PROCEEDINGS;

YOUNG (TERRENCE), PEOPLE v:
CRIMES - RIGHT TO SPEEDY TRIAL - PEOPLE'S SECOND STATEMENT OF READINESS NOT ILLUSORY - WHETHER THE PEOPLE'S SUBSEQUENT STATEMENT OF UNREADINESS RENDERED THEIR SECOND OFF-CALENDAR CERTIFICATE OF READINESS ILLUSORY; WHETHER THE TRIAL-COURT ERRED IN CURTAILING DEFENSE COUNSEL'S CROSS-EXAMINATION OF A POLICE WITNESS;