



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

January 6, 2023 through January 12, 2023

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

MATTER OF THE CLAIM OF LAZALEE v WEGMANS:

3rd Dept. App. Div. order of 1/6/22; affirmance; leave to appeal granted by the Court of Appeals, 12/15/22;

Workers' Compensation—Judicial Review—Whether employer's request to cross-examine claimant's treating physician was untimely;

App. Div. affirmed 7/29/20 Workers' Compensation Board decision which determined that claimant established a claim for injury to his left hand.

NOVAS (DANNY), PEOPLE v:

1st Dept. App. Div. order of 4/28/22; reversal; leave to appeal granted by Wilson, J., 12/21/22;

Motor Vehicles—Leaving the Scene of Incident—Whether defendant's conviction of leaving the scene of an incident without reporting was supported by legally sufficient

evidence; whether there was legally sufficient evidence that defendant knew or had “cause to know” that personal injury had been caused to the victim under Vehicle and Traffic Law § 600 (2) (a);

Supreme Court, New York County, granted defendant's CPL 330.30(1) motion to set aside a jury verdict convicting him of leaving the scene of an incident without reporting, and dismissed the indictment; App. Div. reversed, reinstated the indictment and verdict, and remanded for resentencing.

WILLIAMS (DAVID), PEOPLE v.:

1st Dept. App Div. order of 3/24/22; affirmance; leave to appeal granted by Troutman, J., 11/15/22;

Crimes—Suppression Hearing—Whether, after suppressing on Fourth Amendment grounds an undercover officer’s confirmatory identification of defendant, the hearing court correctly found that the testimony adduced at the hearing demonstrated by clear and convincing evidence that the officer had an independent source for the identification; whether the hearing court properly denied defendant’s request for a separate independent source hearing;

Supreme Court, New York County, convicted defendant, following a jury trial, of criminal sale of a controlled substance in the third degree, and sentenced him, as a second felony drug offender previously convicted of a violent felony; App. Div. affirmed.