

COURT OF APPEALS NEW FILINGS

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

March 9, 2018 through March 15, 2018

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.

OSBORNE, MATTER OF (ATTORNEY GRIEVANCE COMMITTEE):

1ST Dept. App. Div. orders of 2/13/18, 10/3/17, 7/11/17 and 2/7/17; denial of applications; sua sponte examination whether (1) the 7/11/17 and 2/13/18 orders finally determine the proceeding within the meaning of the Constitution; (2) a substantial constitutional question is directly involved to support an appeal as of right; and (3) the appeal is timely;
Attorney and Client--Reinstatement--Denial of application for reinstatement to the bar; alleged deprivation of due process and violation of First Amendment free speech rights;

App. Div. denied petitioner's application for reinstatement as an attorney and counselor-at-law (2/7/17 order); denied petitioner's motion to vacate the 2/7/17 order of the App. Div. and for reinstatement as an attorney and counselor-at-law (7/11/17 order); denied petitioner's application for reinstatement as an attorney and counselor-at-law, and directed that no petition for reinstatement be accepted for filing within two years from the entry of said order (10/3/17 order); and thereafter, denied petitioner's motion for reargument or for leave to appeal to the Court of Appeals (2/13/18 order).

TOWNS (AGAPE A.), PEOPLE v:

4TH Dept. App. Div. order of 6/9/17; affirmance; leave to appeal granted by DiFiore, Ch.J., 2/28/18;

Crimes--Conduct of Trial Judge--Whether the trial court's conduct in personally negotiating and entering into a cooperation agreement with a prosecution witness deprived defendant of a fair trial; whether witness testimony should have been precluded as fruit of the poisonous tree because the police learned of the identity of the witness from defendant after violating his right to counsel;

County Court, Monroe County, convicted defendant of six counts of robbery in the first degree; App. Div. affirmed.