COURT OF APPEALS NEW FILINGS

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

March 24, 2017 through March 30, 2017

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.

HARRIS (WILLIAM), PEOPLE v:
App. Term, Judicial Districts 2nd, 11th & 13th order of 11/28/16; affirmance; leave to appeal granted by Fahey, J., 3/13/17; Crimes--Right to Counsel--Whether the trial court's refusal to allow summations at the conclusion of a bench trial in a local criminal court deprived defendant of his constitutional right to the assistance of counsel; constitutionality of CPL 350.10(3)(c); Criminal Court of the City of New York, Kings County, convicted defendant of attempted criminal possession of a controlled substance in the seventh degree and imposed sentence; App. Term affirmed.

SILBURN (SPENCE), PEOPLE v:
2ND Dept. App. Div. order of 12/14/16; affirmance; leave to appeal granted by Stein, J., 3/20/17;
Crimes--Right to representation pro se--Whether defendant unequivocally invoked his right to proceed pro se--request to proceed pro se with standby counsel; notice of defendant's intent to present psychiatric evidence solely to aid jury in determining whether post-Miranda statements to police were knowing and voluntary--CPL 250.10;
Supreme Court, Kings County, convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, aggravated unlicensed operation of a motor vehicle in the third degree and unlicensed operation of a motor vehicle, and imposed sentence; App. Div. affirmed.