State of New York
Court of Appeals

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Lisa LeCours
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095

COURT OF APPEALS NEW FILINGS

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

April 15, 2022 through April 21, 2022

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.

BRYANT (CHRISTOPHER), PEOPLE v:
3rd Dept. App. Div. order of 12/30/21; reversal with two Justices concurring in part and dissenting in part; leave to appeal granted by Clark, J., 2/17/22; Rule 500.11 review pending;
Crimes--Consolidation and Severance--Whether County Court erred in denying defendant's motion to sever weapon charge from remaining counts of indictment; Crimes--Right of Confrontation--Whether admission of victim's grand jury testimony into evidence violated defendant's right of confrontation; Crimes--Lesser Included Offense--Whether County Court erred in denying defendant's request to charge attempted assault in the third degree as a lesser included offense of assault in the third degree;
County Court, Albany County convicted defendant of the crimes of criminal possession

of a weapon in the second degree, menacing in the second degree and assault in the third degree; App. Div. reversed and remitted to County Court for new trials.

MECKLER v MOLNER:
1st Dept. App. Div. order of 2/10/22; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any basis exists for an appeal as of right;
Arbitration--Proper Forum;
Supreme Court, New York County, granted plaintiff's motion to reargue, and, upon reargument, modified its prior order to designate JAMS as the arbitral forum, App. Div. affirmed.