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 28, 2023 through May 4, 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.

BANK OF NEW YORK MELLON v GAMBINO:
2nd Dept. App. Div. order of 1/25/23; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;
Mortgages—Foreclosure—Denial of motion to set aside foreclosure sale;
Supreme Court, Suffolk County, denied those branches of the motion of nonparty Armand Retamozzo which were the set aside the foreclosure sale of the subject property and, in effect, to compel the referee to accept his bid for the purchase of the subject property; App. Div. affirmed insofar as appealed from.

PETERS (TYRONE), PEOPLE v:

2nd Dept. App Div. order of 10/27/21; denied application for writ of error coram nobis; leave to appeal granted by Wilson, Ch.J., 3/3/23;

Crimes—Right to Counsel—Whether defendant was denied the effective assistance of appellate counsel;

App. Div. denied the application for a writ of error coram nobis to vacate on the ground of ineffective assistance of appellate counsel, a decision and order of the Appellate Division dated August 8, 2012, affirming a judgment of Supreme Court, Kings County, rendered July 23, 2004.