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COURT OF APPEALS NEW FILINGS

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

June 25, 2021 through July 1, 2021

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.

BURGOS (ANGELO), PEOPLE v:
1ST Dept. App. Div. order of 1/5/21; affirmance; leave to appeal granted by Rivera, J., 5/4/21;
Crimes--Right to Counsel--Whether defendant was deprived of the right to be represented by counsel of his choice when counsel did not disclose that he was suspended in another jurisdiction for a pattern of misconduct in neglecting client matters in criminal cases; whether counsel was constructively suspended from the practice of law at the time of defendant's trial when reciprocal discipline was imposed by the Appellate Division, suspending counsel nunc pro tunc to a date preceding trial;

Supreme Court, New York County, convicted defendant, after a nonjury trial, of four counts of assault in the first degree, and sentenced him, as a second violent felony offender, to concurrent terms of 20 years, and thereafter, denied defendant's CPLR 440.10 motion to vacate the judgment of conviction; App. Div. affirmed.

JENNINGS (JERMAINE), PEOPLE v:
4TH Dept. App. Div. judgment of 2/11/21; reversal; leave to appeal granted by Stein, J., 5/13/21; Rule 500.11 review pending;
Crimes--Verdict--Whether defendant was denied meaningful representation based on counsel's failure to object to alleged repugnant verdict; defendant, charged with murder in the second degree by acting in concert with co-defendant, convicted of charge while co-defendant was acquitted;
Supreme Court, Onondaga County, convicted defendant of murder in the second degree; App. Div. reversed the judgment and dismissed the indictment with leave to the People to re-present the charge of murder in the second degree to another grand jury.

MATTER OF ADONNIS M. (ANONYMOUS):
2ND Dept. App. Div. order of 5/26/21; affirmance; Rule 500.11 review pending;
Parent, Child, and Family--Whether Family Court erred by failing to consider the best interests of the child separately from those of his half-sibling; whether Family Court improperly gave weight to the wishes of the father of the half-sibling; whether the child should have been represented by the child's own attorney and not the attorney representing the child's half-sibling;
Family Court, Queens County, in a proceeding pursuant to Family Court Act article 10, granted the motion of the attorney for the child to remove the child from the former foster parents' care and place him in the same foster home as his half-sibling; App. Div. affirmed.