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COURT OF APPEALS NEW FILINGS

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

July 2, 2021 through July 8, 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.

ALVAREZ MATTER OF v ANNUCCI, &c.:
2ND Dept. App. Div. order of 8/19/20; affirmance; leave to appeal granted by Court of Appeals, 5/4/21; Rule 500.11 review pending;
Crimes--Sex Offenders--Whether the correctional facility where petitioner was incarcerated after his release to postrelease supervision met the statutory requirements for Residential Treatment Facilities with regard to sex offenders or to petitioner individually; whether the residency restriction of the Sexual Assault Reform Act (SARA) applies to sex offenders on postrelease supervision who have completed their prison sentence;
Supreme Court, Queens County, in a proceeding pursuant to CPLR article 78 in the nature of mandamus to compel respondent, among other things, to release petitioner from Queensboro Correction Facility, granted respondent's motion to dismiss the petition, and dismissed the proceeding; App. Div. affirmed.

GRAFTON, PEOPLE ex rel. v DZURENDA, &c.:
2ND Dept. App. Div. order of 6/7/21; denial of application for a writ of habeas corpus; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;
Habeas Corpus--When Remedy Available;
App. Div., inter alia, denied the application for a writ of habeas corpus.

MATTER OF THE ESTATE OF KING:
3RD Dept. App. Div. order of 6/11/21; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;
Appeal--Stay;
App. Div., inter alia, denied appellant's motion for a stay pending appeal.

KITTY HOLDING CORP. v CORRITETTE, d/b/a BOULEVARD DESIGN INC.:
App Term 9th and 10th Judicial Districts order of 2/4/21; dismissal and affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;
Landlord and Tenant--Eviction;
First District Court of Nassau County, awarded landlord possession in a holdover summary proceeding (3/7/19 judgment); and thereafter, denied tenant's motion to, among other things, stay the execution of a warrant of eviction (3/25/19 order); App Term dismissed the appeal from the judgment and affirmed the order.

XIE v YAN FANG CHEN &c.:
2ND Dept. App. Div. order of 6/7/21; dismissal of appeal; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;
Appeal--Dismissal;
Supreme Court, Kings County, granted defendant's motion for summary judgment; App. Div. dismissed the appeal.