



*State of New York
Court of Appeals*

Vol. 42 - No. 26
7/12/22

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COURT OF APPEALS NEW FILINGS

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

July 1, 2022 through July 7, 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.

COLT v NEW JERSEY TRANSIT:

1st Dept. App. Div. order of 5/24/22; affirmance, with two Justices dissenting; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution;

State--Sovereign Immunity--Whether defendants waived state sovereign immunity; Supreme Court, New York County, denied defendant's motion to dismiss the action; App. Div. affirmed.

HUNTER, MATTER OF v WOJTASZEK-GARIANO:

4th Dept. App. Div. order of 5/10/22; dismissal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Proceeding Against Body or Officer--Prohibition;

App. Div. granted the motions to dismiss the CPLR article 78 petition.

PERDUE, THOMAS P., PEOPLE v.:

4th Dept. App. Div. order of 3/11/22; affirmance; leave to appeal granted by Rivera, J., 6/17/22;

Crimes--Identification of Defendant--Whether the defendant was deprived of a fair trial when there was no pretrial identification procedure and defendant was identified in court for the first time; whether the trial court erred by permitting the People to present testimony on redirect examination;

Supreme Court, Monroe County convicted defendant upon a jury verdict of assault in the second degree and criminal possession of a weapon in the second degree (two counts); App. Div. affirmed.