

COURT OF APPEALS NEW FILINGS

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

October 9, 2020 through October 15, 2020

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.

ALEXANDRA R., et al. v KRONE (AND THREE OTHER ACTIONS):

4TH Dept. App. Div. order 8/20/20, in Appeals No. 1, 2, 3, and 4; reversal; sua sponte examination of whether the order appealed from finally determines the actions within the meaning of the Constitution and whether the two-Justice dissent at the Appellate Division is on a question of law in favor of appellants;

Motor Vehicles--Collision--Whether the weight of the evidence supports Supreme Court's determination that defendant acted with reckless disregard for the safety of others as required to impose liability against him under Vehicle and Traffic Law § 1103(b);

Supreme Court, Erie County, adjudged that defendant Eric J. Krone acted with reckless disregard for the safety of others and that he is 35 percent liable for the subject collision (judgments 2/1/19, 2/20/19, 2/27/19 and 4/4/19); App. Div. reversed and dismissed the amended complaint against defendant Eric J. Krone.

WAKEFIELD (JOHN), PEOPLE v:

3RD Dept. App. Div. order of 8/15/19; affirmance; leave to appeal granted by Fahey, J., 9/29/20;

Crimes--Evidence--DNA Identification Tests--Whether the trial courts Frye ruling was erroneous because defendant was not provided the opportunity to review the source code underlying the software program that was used to arrive at DNA probability statistics used as evidence against him; Crimes--Right of Confrontation--Whether defendant's right to confront witnesses was violated by not having access to the source code;

Supreme Court, Schnectady County, convicted defendant, upon a jury verdict, of murder in the first degree and robbery in the first degree; App. Div. affirmed.