



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

July 7, 2023 through July 13, 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.

COUNTY OF BROOME v CADORE:

3rd Dept. App. Div. order of 6/1/23; denial of motion; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Motions and Orders;

App. Div. denied motion for reconsideration and for further relief.

PEOPLE v GREENE (FABIAN):

1st Dept. App. Div. order of 2/2/23; affirmance; leave to appeal granted by Troutman, J., 6/20/23; Rule 500.11 review pending;

Crimes—Perjury—Whether the Appellate Division properly held that no corrective action was warranted for multiplicitous convictions because the sentences were

imposed to run concurrently; whether the trial court improperly allowed a bureau chief in the prosecutor's office to testify about historical cell site data; whether the court improperly allowed the bureau chief to instruct the jury on the law; whether the prosecutor's summation exceeded the bounds of legitimate advocacy;

Supreme Court, New York County, convicted defendant of grand larceny in the fourth degree and two counts of perjury in the first degree, and sentenced him, as a second felony offender, to an aggregate term of four to eight years; App. Div. affirmed.

MATTER OF NYCLU v CITY OF ROCHESTER:

4th Dept. App. Div. order of 11/10/22; modification; leave to appeal granted by the Court of Appeals, 6/13/23;

Records—Freedom of Information Law—Whether law enforcement records subject to public release under the Public Officers Law include complaints or internal investigations that are unsubstantiated; whether the release of such information constitutes an invasion of privacy;

Supreme Court, Monroe County, in a proceeding pursuant to CPLR article 78, denied the petition in part; App. Div. modified by granting those parts of the petition seeking disclosure of law enforcement disciplinary records dated on or before January 12, 2020 and seeking disclosure of law enforcement disciplinary records containing unsubstantiated claims or complaints, subject to redaction, and, as so modified, affirmed.

PEOPLE v EDDIE ROBLES:

4th Dept. App. Div. order of 12/23/22; affirmance; leave to appeal granted by Lindley, J., 6/25/23;

Crimes—Unlawful Search and Seizure—Whether police had reasonable suspicion to detain and frisk defendant; Crimes—Harmless and Prejudicial Error—Where Appellate Division determined that Supreme Court erred in refusing to suppress defendant's statement to police, whether Appellate Division properly applied harmless error doctrine to defendant's guilty plea;

Supreme Court, Onondaga County, convicted defendant upon a guilty plea of attempted criminal possession of a weapon in the second degree; App. Div., with one Justice dissenting, affirmed.