



*State of New York
Court of Appeals*

Vol. 44 - No. 29
7/29/24

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

COURT OF APPEALS NEW FILINGS

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

July 19, 2024 through July 25, 2024

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.

MATTER OF ANONYMOUS (AD 2021-05514):

APL-2024-00089

2nd Dept. App. Div. order of 6/13/24; denied motion; sua sponte examination of whether the orders appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders—Whether the Appellate Division properly denied respondent's motion for a transfer of the verified petition;

App. Div. granted the grievance committee's application for the appointment of a special referee to conduct a hearing in a disciplinary proceeding; ordered service upon the special referee; and appointed a special referee to hear and report; App. Div. denied respondent's motion for, among other things, the disqualification or recusal of the Appellate Division, Second Department and transfer of the verified petition to the Third Department with the

prosecution of the verified petition to be conducted by a committee; on the court's own motion, enjoined respondent from making any further motions or applications on the docket without prior leave of the Court; and directed the parties to proceed expeditiously with the hearing before the special referee.

MATTER OF ANONYMOUS (AD 2021-08435):

APL-2024-00090

2nd Dept. App. Div. order of 6/13/24; denied motion; sua sponte examination of whether the orders appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders—Whether the Appellate Division properly denied respondent's motion for a transfer of the verified petition;

App. Div. granted the grievance committee's application for the appointment of a special referee to conduct a hearing in a disciplinary proceeding; ordered service upon the special referee; and appointed a special referee to hear and report; App. Div. denied respondent's motion for, among other things, the disqualification or recusal of the Appellate Division, Second Department and transfer of the verified petition to the Third Department with the prosecution of the verified petition to be conducted by a committee; on the court's own motion, enjoined respondent from making any further motions or applications on the docket without prior leave of the Court; and directed the parties to proceed expeditiously with the hearing before the special referee.

MATTER OF GOOD LAWGIC v MERCHAN:

APL-2024-00088

1st Dept. App. Div. order of 5/30/24; dismissal; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Constitutional Law—Whether the challenged restraining orders violated the constitutional rights of petitioners and defendant in the underlying criminal action;

App. Div. in a proceeding brought under CPLR article 78 challenging the orders of Supreme Court, New York County, entered March 26, 2024 and amended on or about April 1, 2024, which, among other things, prohibited nonparty Donald J. Trump, defendant in the underlying criminal action, from making certain extrajudicial statements, denied the petition, and dismissed the proceeding.

PEOPLE v LEIGHTON R.:

APL-2024-00092

1st Dept. App. Div. order of 1/25/24; affirmance; leave to appeal granted by Troutman, J., 7/3/24;

Crimes—Unlawful Search and Seizure—Whether anonymous tip was sufficiently corroborated to provide police with reasonable suspicion to stop defendant's vehicle;

Supreme Court, Bronx County, convicted defendant of criminal possession of a weapon in the second degree and imposed sentence; App. Div. affirmed.