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COURT OF APPEALS NEW FILINGS

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

August 3, 2018 through August 9, 2018

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.

MAIRENA (DAVID), PEOPLE v:
2ND Dept. App. Div. orders of 5/31/17 and 4/25/18; affirmance; leave to appeal granted by Fahey, J., 7/26/18;
Crimes--Justification--Whether trial court erred by informing the parties, prior to summations, that it would instruct the jury on the specific instrumentality of death in its charge of manslaughter in the first degree, and then failing to include that language in its charge following summations; whether harmless error applies to the alleged error;
Supreme Court, Kings County, convicted defendant of manslaughter in the first degree and criminal possession of a weapon in the fourth degree, and imposed sentence; App. Div. affirmed.