



*State of New York
Court of Appeals*

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*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

August 25, 2023 through August 31, 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.

KING (ALVIN), PEOPLE v:

4th Dept. App. Div. order of 5/5/23; leave to appeal granted by Odgen, J., 8/1/23;

Crimes—Right to Speedy Trial—Whether CPL article 245, the provisions of which tied the People's declaration of readiness for trial to a certificate of compliance with the article's discovery requirements, invalidate a statement of readiness which was made prior to the effective date of the article;

Supreme Court, Onondaga County, convicted defendant upon a jury verdict of assault in the second degree, criminal possession of a weapon in the third degree, endangering the welfare of a child (two counts), menacing in the second degree (two counts), menacing a police officer or peace officer and resisting arrest; Supreme Court, Onondaga County, denied defendant's motion to vacate the judgment under CPL article 440; App. Div., with one Justice dissenting, dismissed appeal from order; App. Div., with one Justice dissenting, reversed judgment, granted part of motion seeking to dismiss

indictment under CPL 30.30, dismissed the indictment, and remitted the matter to Supreme Court for proceedings pursuant to CPL 470.45.

SULLIVAN (KEVIN), PEOPLE v:

County Court, Erie County order of 2/6/23; leave to appeal granted by Troutman, J., 7/5/23;

Crimes—Right to Speedy Trial—Whether People’s certificate of compliance was invalid under CPL 30.30(1) because it was filed before disclosure of all of the discovery required under CPL 245.50;

Town Court, Town of Amhearst, granted defendant's motion to dismiss the accusatory instrument; County Court, Erie County, reversed and reinstated the accusatory instrument.