

COURT OF APPEALS NEW FILINGS

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

December 4, 2020 through December 10, 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.

PUTLAND (DAVID G.), PEOPLE v:

2ND Dept. App. Div. order of 10/21/20; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right; **Crimes--Sex Offenders--Whether provisions of the Sex Offender Registration Act (SORA) requiring mandatory registration for juveniles convicted of certain crimes constitutes cruel and unusual punishment and violates a defendant's constitutional right to substantive due process; defendant, 15 years old at time of offense, prosecuted and convicted as an adult of sodomy in the first degree and murder in the second degree;**

County Court, Dutchess County, designated defendant a level three sexually violent offender pursuant to Correction Law article 6-C; App. Div. affirmed.

ROMINE v LAURITO et al.:

3RD Dept. App. Div. order of 8/6/20; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the August 6, 2020 App. Div. order to support an appeal as of right;

Motions and Orders;

Supreme Court, Ulster County, granted defendants' motion for summary judgment dismissing the second amended complaint; App. Div. affirmed.

SCHOCH v LAKE CHAMPLAIN OB-GYN, P.C.:

3RD Dept. App. Div. order of 6/18/20; reversal; leave to appeal granted by Court of Appeals, 11/23/20;

Insurance--Liability Insurance--Whether defendant employer was entitled to receive cash consideration resulting from the demutualization of an insurance fund where the employer purchased the insurance policy and paid all the premiums but where the employee is named as the sole insured on the policy; whether plaintiff is unjustly enriched by the receipt of the cash consideration resulting from demutualization of insurance fund;

Supreme Court, Saratoga County, issued a declaration in defendant's favor; App. Div. reversed, denied defendant's cross motion for summary judgment, granted plaintiff's motion for summary judgment, and declared that plaintiff is solely entitled to the \$74,747.03 cash consideration from Medical Liability Mutual Insurance Company's demutualization, plus interest for the time the proceeds were in escrow, and defendant's claim thereto is invalid.

PATRICK S. (ANONYMOUS) v STATE OF NEW YORK:

2ND Dept. App. Div. order of 11/4/20; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Crimes--Sex Offenders--Whether imposition of Strict and Intensive Supervision and Treatment (SIST) conditions pursuant to the New York Mental Hygiene Law article 10 violated the constitutional rights of Patrick S.;

Supreme Court, Westchester County, among other things, denied that branch of Patrick S.'s petition which was for the termination of his SIST regimen; App. Div. affirmed.

MATTER OF AUDREY A.T.:

2ND Dept. App. Div. order of 10/16/20; 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;

Attorney and Client--Attorney Discipline; Alleged constitutional violations in pending attorney discipline matter;

App. Div., inter alia, (1) denied a motion to hold in abeyance a hearing before a Special Referee in an attorney disciplinary proceeding, and (2) directed the parties to proceed with the previously ordered hearing before the Special Referee.