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

**September 10, 2021 through September 16, 2021**

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.**

PEOPLE v SPOSITO (JOSEPH):
3rd Dept. App. Div. order of 4/22/21; affirmance; leave to appeal granted by Colangelo, J. 7/1/21;
**Crimes--Right to Counsel--Whether defense counsel was ineffective in waiving a suppression hearing and in failing to consult with or call experts to rebut the People's expert proof;**
Supreme Court, Albany County, denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting him of rape in the first degree and criminal sexual act in the first degree; App. Div. affirmed.

TCR SPORTS BROADCASTING v WN PARTNER:
1st Dept. App. Div. order of 10/22/20; affirmance; leave to appeal granted by the Court of

Appeals, 9/2/21;
**Arbitration--Agreement to Arbitrate--Forum--Whether courts have the power, after vacating an arbitration award based on "evident partiality" related to the forum, to order rehearing in a forum other than that provided for in the parties' arbitration agreement;**
Supreme Court awarded money judgment; App Div. affirmed.