



*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 2, 2022 through September 8, 2022

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.

WEINSTEIN, (HARVEY), PEOPLE v:

1st Dept. App. Div. order of 6/2/22; affirmance; leave to appeal granted by DiFiore, Ch. J. 8/19/22;

Crimes--Rape--Statute of Limitations--Whether statute of limitations was tolled where defendant, resident of New York, was outside the state for a period following the commission of the offense (see CPL 30.10 (4) (a) (I); Crimes--Jurors--Whether trial court properly denied defendant's for-cause challenges to a juror, made both before and after the jury was sworn; Crimes--Proof of Other Crimes--Whether trial court properly allowed prosecution to present *Molineux* evidence consisting of defendant's uncharged crimes of sexual assault; Crimes--Defendant as Witness--Impeachment--*Sandoval* Material--Whether trial court abused its discretion in partially granting prosecution's *Sandoval* motion, which would have permitted the

People to ask defendant about 28 acts spanning nearly 30 years, including uncharged sex offenses and other uncharged bad acts;

Supreme Court, New York County, convicted defendant of criminal sexual act in the first degree and rape in the third degree, and sentenced him to consecutive terms of 20 years and 3 years; App. Div. affirmed.