State of New York
Court of Appeals

Vol. 42 - No. 46
12/12/22

Lisa LeCours
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

November 18, 2022 through November 24, 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.

PEOPLE v JASON BOHN:
2nd Dept. App. Div order of 10/6/21; affirmance; leave to appeal granted by Cannataro, A.Ch.J., 10/14/21;
Crimes—Evidence—Whether the evidence was legally sufficient to support defendant's conviction of murder in the first degree under Penal Law § 125.27(1)(a)(x) based on the infliction of torture upon the victim; Crimes—Jurors—Whether Supreme Court properly denied for-cause challenges to jurors; Crimes—Witnesses—Whether Supreme Court erred in qualifying witness to testify as an expert on the issue of extreme emotional disturbance;
Supreme Court, Queens County, convicted defendant of murder in the first degree, criminal contempt in the first degree, and tempering with physical evidence, upon a jury verdict, and imposed sentence; App. Div. affirmed.

MATTER OF WALT DISNEY v TAX APPEALS TRIBUNAL:

3rd Dept. App. Div. order of 10/20/22; confirmation of determination; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;

Taxation—Franchise Tax of a Business Corporation--Whether petitioner properly deducted royalty payments received from its foreign affiliates under Tax Law § 208; whether Tax Law § 208 violates the dormant Commerce Clause of the U.S. Constitution;

Tax Appeals Tribunal sustained a notice of deficiency of corporate franchise tax imposed under Tax Law article 9-A; App. Div. confirmed the determination and dismissed the article 78 petition.