

COURT OF APPEALS NEW FILINGS

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

December 10, 2021 through December 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 LAGANO (ANTHONY):

2nd Dept. App. Term order of 7/30/21; reversal and dismissal; leave to appeal granted by Fahey, J., 11/29/21;

Crimes--Harassment--Whether the evidence was legally sufficient to establish defendant's guilt of second degree harassment; whether defendant's speech constituted a genuine threat of physical harm or an outburst;

Criminal Court, Richmond County, convicted defendant, after a nonjury trial, of harassment in the second degree; App. Term reversed and dismissed the accusatory instrument.

MATTER OF ROCHESTER POLICE LOCUST CLUB v CITY OF ROCHESTER:

4th Dept. App. Div. order of 6/11/21; modification and affirmance; leave to appeal

granted by the Court of Appeals, 11/23/21;

Local Laws--Inconsistency with State Law--Whether Local Law No. 2 (2019), which amended the Rochester City Charter to establish Police Accountability Board to investigate and make determinations respecting complaints of misconduct against Rochester police officers, conflicts with the Taylor Law;

Supreme Court, Monroe County, declared invalid, void and unenforceable the "portions of Local Law No. 2 which authorize and empower the Police Accountability Board to conduct disciplinary hearings and discipline officers of the City of Rochester Police Department"; App. Div. modified by vacating the fourth decretal paragraph of the judgment and, as so modified, affirmed.