



*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

December 22, 2023 through December 28, 2023

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.

BOOKER v MCMINDES:

3rd Dept. App. Div. order of 10/12/23; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Judgments—Default Judgments—Whether Supreme Court abused its discretion in not granting a default judgment; Trial—Place of Trial—Change of Venue;

Supreme Court, Albany County, inter alia, held in abeyance plaintiff's motion for a default judgment and partially granted defendants' motion to dismiss the complaint; App. Div. affirmed.

LEWIS (LAQUAWN), PEOPLE v:

2nd Dept. App. Div. order of 7/5/23; affirmance; leave to appeal granted by Wilson, Ch. J., 12/7/23;

Crimes—Right to Representation Pro Se—Whether defendant's requests to proceed pro se were unequivocal;

Supreme Court, Queens County, convicted defendant of robbery in the first degree, robbery in the second degree, assault in the first degree, assault in the second degree, and obstructing governmental administration in the second degree, upon a jury verdict, and imposed sentence; App. Div. affirmed.

MATTER OF ORREGO v KNIPFING:

3rd Dept. App. Div. order of 11/2/23; affirmance; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Workers' Compensation—Denial of application for reconsideration and/or full Board review;

Workers' Compensation Board denied claimant's application for reconsideration and/or full board review; App. Div. affirmed.