



*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

April 19, 2024 through April 25, 2024

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.

NEVADA FUNDING v ASSOCIATION 800/ HARRIS:

Supreme Court, Herkimer County order of 3/29/24; Writ of Assistance; 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;

Mortgages—Foreclosure;

Supreme Court, Herkimer County, confirmed referee's report and directed the property to be sold at public auction; Supreme Court, Herkimer County, directed the sheriff to put the purchaser into possession of the real property and remove defendants from the property.

WRIGHT (JASON), PEOPLE v:

1st Dept. App. Div. order of 4/27/23; affirmance; leave to appeal granted by Troutman, J.,

4/12/24;

Crimes—Identification of Defendant—Whether witness had independent source for in-court identification where witness failed to identify defendant in pretrial identification procedure; Crimes—Sentence—Whether the decision to challenge allegations in a predicate felony statement is that of defendant personally or defendant's attorney;

Supreme Court, New York County, convicted defendant of assault in the first degree, attempted assault in the first degree, and criminal possession of a weapon in the second degree, and imposed sentence; App. Div. affirmed.