

## **CASE ISSUE STATEMENTS – FEBRUARY 2023**

**The calendar is subject to change. Please contact the Clerk's Office for any updated information.**

**If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeals Public Access and Search System (Court-PASS), which is accessible from the homepage on the Court's website.**

### ***TUESDAY, FEBRUARY 7***

#### **Casey v Whitehouse Estates (No. 10)**

APL-2021-169

Landlord and Tenant—Rent Regulation—Whether tenants' legal regulated rent should be calculated according to the default formula set forth in Rent Stabilization Code (9 NYCRR) § 2522.6(b).

#### **Henry v NJ Transit Corp (No. 11)**

APL-2021-138

State—Sovereign Immunity—Whether the Appellate Division properly held that defendant New Jersey Transit Corporation waived its sovereign immunity defense.

#### **People v Santino Guerra (No. 12)**

APL-2021-137

Crimes—Justification—Whether *People v Miller* (39 NY2d 543 [1976]) should be overruled, allowing admission of a complainant's prior violent acts for the purposes of proving the complainant was the initial aggressor in support of a justification defense.

### ***WEDNESDAY, FEBRUARY 8***

#### **James B. Nutter & Co. v County of Saratoga (No. 19)**

APL-2022-32

Taxation—Tax Liens, Tax Sales and Tax Titles—Whether the County defendants provided adequate statutory notice under RPTL 1125 of the underlying in rem tax lien foreclosure action; Whether RPTL 1125 which provides that notice "shall be deemed received unless both the certified mailing and the ordinary first class mailing are returned by the United States postal service within forty-five days after being mailed," creates a rebuttable presumption; whether Supreme Court had the authority to grant equitable relief.

#### **People v Dakota W. Baldwin (No. 14)**

APL-2022-10

Crimes— Sentence—Whether Appellate Division erred in requiring a showing of extraordinary circumstances or an abuse of discretion to invoke its interest of justice jurisdiction to reduce a sentence.

**People v Mamadou Ba (No. 15)**

APL-2022-37

Crimes—Sentence—Whether Appellate Term improperly rejected a request to reduce a sentence in the interest of justice because the sentence was not illegally high and was the result of a negotiated plea.

***THURSDAY, FEBRUARY 9***

**Anderson v Commack Fire District (No. 16)**

APL-2022-5

Municipal Corporations—Tort Liability—Whether the reckless disregard standard under Vehicle and Traffic Law § 1104 applies to plaintiff’s vicarious liability cause of action against defendant Commack Fire District; whether defendant Commack Fire District could be held vicariously liable for ordinary negligence pursuant to General Municipal Law § 205-b.

**People v Mark A. Hartle (No. 17)**

APL-2021-146

Crimes—Vacatur of Judgment of Conviction—Whether deleted text messages and photographs between defendant and the victim, which were recovered from defendant's cell phone after trial through the use of technological advances, constituted newly discovered evidence warranting a new trial; Crimes—Right to Counsel—Whether defendant was denied the effective assistance of counsel because of a potential conflict of interest.

**People v Andrew J. Regan (No. 18)**

APL-2021-145

Crimes—Right to Speedy Trial—Whether defendant was denied his statutory and constitutional right to a speedy trial; defendant waived speedy trial right in contemplation of plea negotiations; preindictment delay of four years; Crimes—Defendant as Witness—Whether it was permissible for prosecutor to cross-examine defendant regarding the omission of exculpatory information in his voluntary statement to the police.; Crimes—Right to Counsel—Whether defendant was denied the effective assistance of counsel because of a potential conflict of interest.