

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
August 15, 2003 through August 21, 2003

A list of appeals with short title, jurisdictional predicate, subject matter and key issues is prepared each week.

Some of these filed appeals may never reach decision on the merits because of dismissal on motion, sua sponte, or for time deficiencies or because of stipulated withdrawals by the parties. Also, some counsel fail to file timely jurisdictional statements and thus the list should not be treated as comprehensive for any particular week.

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 Court Rule 500.11 and direct any questions to the Clerk's Office.

For August 15, 2003 through August 21, 2003 the following jurisdictional statements for appeals were filed:

MOORE (VETTER) v STATE OF NEW YORK:

3RD Dept. App. Div. order of 7/28/03; denial of motion for "Nunc Pro Tunc Motion for Mandamus" and further relief; sua sponte examination whether a jurisdictional predicate exists to support an appeal as of right;

PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - CHALLENGE TO DENIAL OF MOTION FOR "NUNC PRO TUNC MOTION FOR MANDAMUS" AND FURTHER RELIEF;

Appellate Division denied motion for "Nunc Pro Tunc Motion for Mandamus" and further relief.

RUGGIERE v RUGGIERE:

2ND Dept. App. Div. order of 5/12/03; affirmance; sua sponte examination whether a jurisdictional predicate exists to support an appeal as of right and whether the order finally determines an action or proceeding;

HUSBAND AND WIFE - DIVORCE - DENIAL OF MOTION TO VACATE OR MODIFY QUALIFIED DOMESTIC RELATIONS ORDER;

Supreme Court, Suffolk County, denied plaintiff husband's motion to vacate and/or modify a Qualified Domestic Relations Order providing a share of his pension to defendant former wife; App. Div. affirmed.

TYLER (DANA), PEOPLE v:

County Court, Monroe County order of 12/18/02; reversal; leave to appeal granted by Kaye, J., 8/7/03;

CRIMES AND CRIMINAL PROCEDURE - SIMPLIFIED TRAFFIC INFORMATION - TIMELY REQUEST FOR AND SERVICE OF SUPPORTING DEPOSITION (CPL § 100.25[2]);

Webster Town Court judgment convicting defendant of speeding; County Court reversed and dismissed the simplified traffic information.