

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
November 14, 2003 through November 20, 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 November 14, 2003 through November 20, 2003 the following jurisdictional statements for appeals were filed:

BRAMBLE v NEW YORK STATE BOARD OF PAROLE:

3RD Dept. App. Div. order of 7/3/03; affirmance; sua sponte examination whether a substantial constitutional question is directly involved;

PAROLE - CHALLENGE TO BOARD OF PAROLE'S DETERMINATION DENYING PETITIONER'S REQUEST FOR PAROLE RELEASE (EXECUTIVE LAW § 259-i);

Supreme Court, Albany County judgment dismissing petitioner's CPLR article 78 application to review respondent's determination denying his request for parole release; App. Div. affirmed.

DANA (DANIEL), PEOPLE v:

County Court, Otsego County order of 10/16/03; dismissal; sua sponte examination whether an appeal lies as of right;
CRIMES AND CRIMINAL PROCEDURE - OPERATING MOTOR VEHICLE WITHOUT WEARING SEAT BELT - CLAIMED TRIAL ERRORS INCLUDING NON-APPEARANCE OF DISTRICT ATTORNEY AND ADMISSION OF UNSIGNED SUPPORTING DEPOSITION;

Town Court, Otsego order convicting defendant of operating a motor vehicle without wearing a seat belt and directing him to appear for sentencing at a later date; County Court dismissed appeal.

VALENCIA (RENE), PEOPLE v:

1ST Dept. App. Div. order of 6/10/03; affirmance; leave to appeal granted by Rosenblatt, J., 10/29/03;

CRIMES AND CRIMINAL PROCEDURE - PLEA BARGAIN - BREACH OF PLEA CONDITION THAT DEFENDANT ABIDE BY DRUG REHABILITATION PROGRAM RULES - SUFFICIENCY OF INQUIRY AND SHOWING NECESSARY TO IMPOSE ENHANCED SENTENCE WHERE DEFENDANT DENIES BREACH OF REHABILITATION PROGRAM RULES;

Supreme Court, Bronx County judgment convicting defendant of criminal sale of a controlled substance in or near school grounds; App. Div. affirmed.