

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office
November 14 through November 20, 2008

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.

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.

ARAFET (NASIN), PEOPLE v:

3RD Dept. App. Div. order of 8/21/08; affirmance with dissents; leave to appeal granted by Rose, J., 11/06/08;
CRIMES AND CRIMINAL PROCEDURE - PROOF OF OTHER CRIMES - PROOF OF OTHER HIJACKINGS OF TRACTOR TRAILERS AND THEFTS OF THEIR CARGO - WHETHER PROOF OF SIMILAR MODUS OPERANDI IN TWO OTHER HIJACKINGS WAS ADMISSIBLE IN THIS CASE; CELL PHONE RECORDS;
Schenectady County Court convicted defendant, upon a jury verdict, of grand larceny in the first degree and criminal possession of stolen property in the first degree; App. Div. affirmed.

BODDIE, PEOPLE ex rel. v NEW YORK STATE DIVISION OF PAROLE:

1ST Dept. App. Div. order of 9/30/08; denial of motion for a writ of habeas corpus and other relief; sua sponte examination whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

HABEAS CORPUS - CHALLENGE TO APPELLATE DIVISION ORDER DENYING PETITIONER'S MOTION FOR A WRIT OF HABEAS CORPUS AND OTHER RELIEF; App. Div. denied petitioner's motion for writ of habeas corpus and other relief.

HOTI (BAJRO), PEOPLE v:

1ST Dept. App. Div. order of 6/3/08; affirmance; leave to appeal granted by Pigott, J., 11/15/08; Rule 500.11 review pending; CRIMES AND CRIMINAL PROCEDURE - PLEA OF GUILTY - WHETHER COURT'S FAILURE TO ADVISE DEFENDANT OF MANDATORY SURCHARGE AND FEES PRIOR TO ENTRY OF HIS GUILTY PLEA MANDATES VACATUR OF THE PLEA; Supreme Court, New York County judgment of conviction; App. Div. affirmed.

