

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
January 11, 2002 through January 17, 2002

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 January 11, 2001 through January 17, 2002 the following jurisdictional statements for appeals were filed:

D'ANGELO (PHILIP), PEOPLE v:

1ST Dept. App. Div. order of 6-7-01; affirmance; leave to appeal granted by Kaye, Ch. J., 1-4-02;

CRIMES - CRIMINAL PROCEDURE; CRIMINAL CONTEMPT - LABOR DISPUTE EXCEPTION (PENAL LAW §215.50[3]);

Supreme Court, New York County, convictions of one count of criminal contempt in the first degree and four counts of criminal contempt in the second degree; App. Div. affirmed.

HUERTA (ROBERT)v NEW YORK CITY TRANSIT AUTHORITY:

1ST Dept. App. Div. order of 12-11-01; reversal; appeal taken to pursuant to CPLR 5601(c); sua sponte examination whether the appellant is an aggrieved party (CPLR 5611) and whether there is a proper jurisdictional predicate for an appeal as a right pursuant to CPLR 5601(c);

TORT - PERSONAL INJURY; APPLICABILITY OF REGULATORY SAFETY STANDARDS IN NEW YORK CITY BUILDING CODE TO THE TRANSIT AUTHORITY (NYC ADMINISTRATIVE CODE 27-103, NYC CHARTER SECTION 643); Supreme Court, New York County, judgment in favor of plaintiff; App. Div. reversed and remanded the matter for a new trial.

IFRAH (PHILIPPE), MATTER OF v UTSCHIG (W. CHARLES), et al.:

2ND Dept. App. Div. order of 4-2-01; reversal; leave to appeal granted by Court of Appeals, 12-18-01;

MUNICIPALITIES - ZONING; APPEALS - BASIS FOR HOLDING ZONING BOARD APPEALS DETERMINATION DENYING ZONING VARIANCES ARBITRARY AND CAPRICIOUS;

Supreme Court, Westchester County, denied the petition and dismissed the proceedings; App. Div. reversed, granted the petition, annulled the determination, and remitted the matter to the respondents to issue the variances.

JACKSON (RONALD), PEOPLE v:

1ST Dept. App. Div. order of 6-21-01; affirmance; leave to appeal granted by Kaye, Ch. J.; 1/4/02;

CRIMINAL PROCEDURES; APPEALS EFFECT OF PROSECUTION'S LOSS OF LINE-UP PHOTOGRAPH FOLLOWING WADE HEARING; REMEDIES;

Supreme Court, New York County, conviction of robbery in the first degree, attempted robbery in the first degree, assault in the second degree, criminal use of a firearm in the first degree, and criminal possession of a weapon in the second degree; App. Div. affirmed.