

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
April 5, 2002 through April 11, 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 April 5, 2002 through April 11, 2002 the following jurisdictional statements for appeals were filed:

CITIBANK, N.A., MATTER OF, v PRIME MOTOR INNS LIMITED PARTNERSHIP, et al. & FIELD:

2ND Dept. App. Div. order of 11/5/01; affirmance; leave to appeal granted by Court of Appeals, 3/26/02;
DEBTOR-CREDITOR; TURNOVER PROCEEDING - PROPERTY NOT IN POSSESSION OF DEBTOR; LIEN PROPERTY;
Supreme Court, Queens County, directed that certain funds be turned over to petitioner to satisfy a judgment against defendant Field; App. Div. affirmed.

FISHER, MATTER OF, v COMMISSIONER OF TAXATION AND
FINANCE, et al.:

3RD Dept. App. Div. order of 12/13/01, administrative determination confirmed, appeal taken pursuant to CPLR 5601(b); sua sponte examination whether substantial constitutional question is directly involved;
INCOME TAX - ASSESSMENT OF TAX AND PENALTIES; APPLICABILITY OF ABATEMENT FOR ALLEGED ERROR OR DELAY (TAX LAW § 3008[a]); App. Div., in a proceeding initiated in that court confirmed the determination of the Tax Appeals Tribunal which sustained an assessment of personal income tax.

RAQUEL M. (ANONYMOUS), MATTER OF:

1ST Dept. App. Div. order of 3/5/02; affirmance with dissents; JUVENILE DELINQUENCY; UNAUTHORIZED USE OF MOTOR VEHICLE, THIRD DEGREE - PRESUMPTION OF KNOWLEDGE (PENAL LAW § 165.01[1]); Family Court, New York County, adjudicated appellant a juvenile delinquent; App. Div. affirmed, dissenters would reverse, vacate the fact-finding and dispositional orders and dismiss the delinquency petition.

PICCOLO v PICCOLO:

2ND Dept. App. Div. order of 2/28/02; reargument and motion for permission to appeal denied; sua sponte examination of finality and whether there is a jurisdictional predicate for an appeal as of right;
DOMESTIC RELATIONS; CONTEMPT;
App. Div. denied appellant's motion for reargument of a prior motion to stay enforcement of a Supreme Court, Suffolk County order and for leave to appeal to the Court of Appeals.