

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**April 12, 2002 through April 18, 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 12, 2002 through April 18, 2002 the following jurisdictional statements for appeals were filed:

DICICCO, MATTER OF, v NICOLAI, et al.:

2<sup>ND</sup> Dept. App. Div. order of 1/31/02; reargument denied; sua sponte examination of finality and whether there is a jurisdictional predicate for an appeal taken as of right; CIVIL PROCEDURE - SUFFICIENCY OF SHOWING "CLEAR LEGAL RIGHT" TO THE REMEDY OF ARTICLE 78 PROCEEDING (PROHIBITION); App. Div. denied petitioner's motion for reargument.

ERNST J. (ANONYMOUS), MATTER OF:

2<sup>ND</sup> Dept. App. Div. order of 3/18/02; affirmance; appeal taken pursuant to CPLR 5601(b); sua sponte examination whether substantial constitutional question is directly involved; CRIMINAL PROCEDURE - PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT; APPLICABILITY OF RECOMMITMENT PROCEDURE (CPL 330.20[14]) TO ACQUITTEE FOUND NOT TO SUFFER FROM "DANGEROUS MENTAL DISORDER" OR MENTAL ILLNESS (CPL 330.20[1][c] and [d]); MOOTNESS

Supreme Court, Kings County, granted the application to commit respondent for confinement in a secure facility for care and treatment; App. Div. affirmed.

MILLER v BROWNSTEIN, et al.:

2<sup>ND</sup> Dept. App. Div. order of 1/22/02; affirmance; appeal taken pursuant to CPLR 5601(b); sua sponte examination whether substantial constitutional question is directly involved; ADMINISTRATIVE PROCEEDINGS - MANDAMUS TO COMPEL; CIVIL PROCEDURE; STATUTE OF LIMITATIONS - TIMELINESS OF COMMENCEMENT OF PROCEEDING;

Supreme Court, Nassau County, dismissed the proceeding against respondents Brownstein, Pelzer and the Office of the Clerk of the Court of the Appellate Division, Second Judicial Department; App. Div. affirmed.

RAMOS (NORA), MATTER OF:

2<sup>ND</sup> Dept. App. Div. order of 2/19/02; denial of reinstatement as an attorney; appeal taken pursuant to CPLR 5601(b); sua sponte examination whether substantial constitutional question is directly involved and whether there is any other jurisdictional predicate for an appeal taken as of right; ATTORNEYS AND COUNSELORS - SUSPENSION; APPLICATION FOR REINSTATEMENT TO THE BAR; RIGHT TO HEARING ON CHARACTER AND FITNESS;

App. Div. denied the application for reinstatement as an attorney and counselor at law.

TRAGER, MATTER OF, v KAMPE, et al.:

2<sup>ND</sup> Dept. App. Div. order of 10/22/01; reversal; leave to appeal granted by Court of Appeals, 3/26/02; CIVIL SERVICE - RESIDENCY REQUIREMENTS; INCLUSION OF REQUIREMENT NOT IN CIVIL SERVICE COMMISSION'S RULES IN EXAMINATION ANNOUNCEMENT FOR NASSAU COUNTY POLICE OFFICER;

Supreme Court, Nassau County, denied the petition and dismissed the proceeding to review the determination of the Nassau County Civil Service Commission, which disqualified petitioner from applying for the position of police officer for failing to meet residency requirements; App. Div. reversed, granted the petition and annulled the determination.