

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
August 9, 2002 through August 15, 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 August 9, 2002 through August 15, 2002 the following jurisdictional statements for appeals were filed:

PITTMAN (JOHNNIE), PEOPLE v:

Appellate Term 9th and 10th Judicial District order of 3/15/02, reversal; leave to appeal granted by Rosenblatt, J., 7/30/02; Rule 500.4 review pending;
CRIMES AND CRIMINAL PROCEDURE; APPEALS - GUILTY PLEA AS WAIVING CLAIM THAT THE ACCUSATORY INSTRUMENT WAS IMPERMISSIBLY BASED ON HEARSAY (PEOPLE v. CASEY, 95 NY2d 354);
Newburgh City Court conviction of disorderly conduct; App. Term reversed and dismissed the accusatory instrument.

PNC CAPITAL RECOVERY, et al. v MECHANICAL PARKING SYSTEMS, INC.
AND SHLOMO KADOSH:

1st Dept. App. Div. order of 5/17/01; reversal; sua sponte examination of whether CPLR 5511 bars an appeal and whether there is a jurisdictional predicate for an appeal as of right; CONTRACTS - GUARANTEES; SUMMARY JUDGMENT - DEFENDANT'S INTENTION TO BE BOUND IN HIS INDIVIDUAL CAPACITY; DEFAULT JUDGMENTS; Supreme Court, New York County, granted the individual defendant summary judgment; App. Div. reversed and granted plaintiff's motion for summary judgment against him.

SOWELL (VICTOR) v NEW YORK CITY POLICE DEPARTMENT:

1st Dept. App. Div. orders of 3/07/02 (reversal) and 6/27/02 (motion to compel compliance with 3/07/02 order denied); sua sponte examination of finality, whether a substantial constitutional question is directly involved and whether the appellant is an aggrieved party; ADMINISTRATIVE PROCEEDINGS; FREEDOM OF INFORMATION LAW - ACCESS TO DOCUMENTS CONNECTED TO PETITIONER'S ARREST; Supreme Court, New York County, dismissed the petition to compel the New York City Police Department to provide certain documents; App. Div. reversed, granted the petition and directed respondent to supply the petitioner with the documents in its possession (3/7/02 order); App. Div. subsequently denied, as moot, petitioner's motion to compel compliance (order of 6/27/02).