

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**August 23, 2002 through August 29, 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 23, 2002 through August 29, 2002 the following jurisdictional statements for appeals were filed:

FITZGERALD v BLYDENBURGH:

2nd Dept. App. Div. order of 6/24/02; mandamus denied; sua sponte examination of whether a substantial constitutional question is directly involved to support an appeal as of right;  
COURTS-MANDAMUS TO COMPEL ISSUANCE OF A WRITTEN ORDER AND DECISION;  
Appellate Division, Second Department, denied the petition for mandamus to compel and dismissed the proceeding.

HAWKINS (ANDRE) PEOPLE v.:

3<sup>RD</sup> Dept. App. Div. order of 1/24/02; affirmance; leave to appeal granted by Smith, J., 3-27-02;

CRIMES AND CRIMINAL PROCEDURE-SUFFICIENCY OF EVIDENCE TO CONVICT FOR ATTEMPTED ASSAULT IN THE SECOND DEGREE; WAIVER OF APPELLATE RIGHTS;

Schenectady County Court convicted defendant of the crime of attempted assault in the second degree. App. Div. affirmed.

LANDSMAN v VILLAGE OF HANCOCK ET AL.:

3rd Dept. App. Div. order of 7-18-02; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved and whether that portion of the order appealed from which affirmed Supreme Court's August 14, 2001 order finally determines the action within the meaning of the Constitution.

MUNICIPALITIES-CONSTITUTIONAL TORT; SEARCH AND SEIZURE-"FREEDOM TO LEAVE"; RIGHT TO JURY TRIAL;

Supreme Court, Delaware County entered a judgment for defendants, upon a verdict, and denied plaintiff's motion to, inter alia, vacate the judgment. App. Div. affirmed.