

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed  
In the New York Court of Appeals from  
**July 25, 2003 through July 31, 2003**

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 July 25, 2003 through July 31, 2003 the following jurisdictional statements for appeals were filed:

HAYNER HOYT CORP. v UTICA FIRST INS. CO.:

4<sup>th</sup> Dept. App. Div. order of 6/13/03; modification;  
INSURANCE - DUTY TO DEFEND AND INDEMNIFY - ADDITIONAL INSURED'S ENTITLEMENT TO COVERAGE UNDER INSURANCE POLICY; ALLEGED ILLUSORY INSURANCE COVERAGE; SUMMARY JUDGMENT;  
Supreme Court, Onondaga County granted defendant's motion for summary judgment dismissing this action for a declaratory judgment; App. Div. modified by declaring plaintiff not entitled to a defense or indemnification from defendant with respect to the underlying actions and affirmed the judgment as so modified.

HEMMINGS (DEXTER), PEOPLE v:

1<sup>ST</sup> Dept. App. Div. order of 4/29/03; affirmance; leave to appeal granted by Ciparick, J., 7/16/03;

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - STATEMENTS AT TIME OF SENTENCE - ORAL STATEMENTS AT SENTENCING BY PERSONS NOT QUALIFYING AS "VICTIMS" (CPL § 380.50[2]); SUFFICIENCY OF EVIDENCE - PROOF OF INTENT TO USE WEAPON AGAINST ANOTHER (PENAL LAW § 265.03);

Supreme Court, Bronx County judgment convicting defendant of criminal possession of a weapon in the second degree; App. Div. affirmed.

ORENS, MATTER OF v NOVELLO:

3<sup>RD</sup> Dept. App. Div. order of 7/3/03; confirmation of Administrative Review Board for Professional Medical Conduct's determination; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;

PHYSICIANS AND SURGEONS - DISCIPLINARY PROCEEDINGS - DUE PROCESS CHALLENGE TO DETERMINATION REVOKING PHYSICIAN'S LICENSE TO PRACTICE MEDICINE - DETERMINATION ALLEGEDLY BASED ON UNCLEAR AND/OR EQUIVOCAL FINDINGS OF FACT;

Administrative Review Board for Professional Medical Conduct revoked petitioner's license to practice medicine in New York; App. Div. confirmed the determination and dismissed petitioner's CPLR article 78 proceeding.

