

COURT OF APPEALS NEW FILINGS

Jurisdictional Statements of Appeals filed
In the New York Court of Appeals from
October 10, 2003 through October 16, 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 October 10, 2003 through October 16, 2003 the following jurisdictional statements for appeals were filed:

PROVIDENCE (ERIC), PEOPLE v:

1ST Dept. App. Div. order of 8/28/03; affirmance; leave to appeal granted by Tom, J., 10/2/03;

CRIMES AND CRIMINAL PROCEDURE - RIGHT TO REPRESENTATION PRO SE - WHETHER TRIAL COURT SECURED AN EFFECTIVE WAIVER OF COUNSEL - SUFFICIENCY OF COURT'S "SEARCHING INQUIRY";

Supreme Court, New York County convicted defendant, after a jury trial, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fifth degree, and sentenced defendant as a second felony offender; App. Div. affirmed.

STULTZ (CLAYTON), PEOPLE v:

2ND Dept. App. Div. order of 4/7/03; denial of application for writ of error coram nobis; leave to appeal granted by Ciparick, J., 10/1/03);

CRIMES AND CRIMINAL PROCEDURE - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - DENIAL OF APPLICATION FOR WRIT OF ERROR CORAM NOBIS CLAIMING INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL BASED UPON COUNSEL'S FAILURE TO ALERT APPELLATE DIVISION TO TRIAL COUNSEL'S ALLEGED FAILURE TO INTRODUCE INTO EVIDENCE A SWORN STATEMENT BY AN UNAVAILABLE WITNESS THAT SHE WITNESSED THE VICTIM'S SHOOTING BY ANOTHER;

Supreme Court, Nassau County convicted defendant of murder in the second degree and criminal possession of a weapon in the second degree; App. Div. affirmed and thereafter denied application for writ of error coram nobis.