

**State of New York**  
**Court of Appeals**

**Decisions**

June 18, 2026

**CASES**

2                    No. 63  
Incorporated Village of Freeport,  
    Respondent,  
    v.  
Freeport Plaza West, LLC,  
    Appellant.

Order brought up for review upon appeal from the parties' stipulation affirmed, with costs.  
Opinion by Judge Halligan.  
Judges Garcia, Singas, Cannataro and Troutman concur.  
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

2                    No. 62  
The People &c.,  
    Appellant,  
    v.  
Diego Guerra,  
    Respondent.

Order affirmed.  
Opinion by Judge Halligan.  
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Troutman concur.

2                    No. 85 SSM 3  
The People &c.,  
    Respondent,  
    v.  
Lawrence Harris,  
    Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed and case remitted to the Appellate Division, Second Department, for further proceedings in accordance with the memorandum herein.  
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

4                    No. 60  
The People &c.,  
    Respondent,  
    v.  
Anton Kelley,  
    Appellant.

Order reversed and case remitted to the Appellate Division, Fourth Department, for further proceedings in accordance with the memorandum herein.  
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

4                    No. 56  
The People &c.,  
    Respondent,  
    v.  
Kham Khamdavanh,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

2                    No. 84 SSM 2  
The People &c.,  
    Respondent,  
    v.  
Anthony Matthews,  
    Appellant.

On review of submissions pursuant to section 500.11  
of the Rules, order reversed and case remitted to the  
Appellate Division, Second Department, for further  
proceedings in accordance with the memorandum  
herein.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

1                    No. 64  
In the Matter of Robert J. Miller, et al.,  
    Appellants,  
    v.  
State of New York et al.,  
    Respondents.

Order affirmed, without costs.  
Per Curiam Opinion.  
Judges Rivera, Garcia, Cannataro and Halligan  
concur.  
Judge Troutman concurs in result in an opinion.  
Chief Judge Wilson and Judge Singas took no part.

## MOTIONS

1                   SSD 20  
In the Matter of R.A., &c.

A.R.,  
    Respondent;  
Administration for Children's Services,  
    Appellant.  
K.K.,  
    Nonparty-Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that appellant is not aggrieved by the order of the Appellate Division affirming an order of Family Court entered upon appellant's consent (*see* CPLR 5511). Appellant cannot be aggrieved based on "the views expressed in the opinion" of the Appellate Division (*Matter of Ton-Da-Lay v Diamond*, 36 NY2d 856 [1975]).

4                   Mo. No. 2026-43  
In the Matter of State of New York,  
    Respondent,  
    v.  
Tyree A.,  
    Appellant.

Motion, treated as a motion for leave to appeal pursuant to CPLR 5602 (a) (1) (ii) to bring up for review the prior nonfinal Appellate Division order, denied.

3                   Mo. No. 2026-284  
In the Matter of Aphrodite A., &c.  
  
Broome County Department of Social  
Services,  
    Respondent;  
Heather A.,  
    Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

1                   Mo. No. 2026-326  
The People &c.,  
    Respondent,  
    v.  
Reynaldo Andino,  
    Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2026-254  
In the Matter of Mercedes B.

Erie County Department of Social Services,  
Respondent;  
Nicholas B.,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-159  
In the Matter of Raven Bless C.

Catholic Guardian Services,  
Respondent;  
Tirek C.,  
Appellant,  
et al.,  
Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2026-144  
In the Matter of A.C., et al.

A.C.,  
Appellant;  
Administration for Children's Services,  
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2026-307  
In the Matter of David Cheung,  
Respondent,

v.  
Kim Ngyen Thi Tran,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2026-61  
The People &c. ex rel. Margaret DaRocha,  
&c.,  
Respondent,

v.  
Lynelle Maginley-Liddie, &c.,  
Appellant.

Motion for leave to appeal granted.

4                    Mo. No. 2026-314  
In the Matter of Danayely P.E.

Erie County Department of Social Services,  
Respondent;  
Dannysa E.C.,  
Appellant.  
(And Another Proceeding.)  
(App. Div. Nos. CAF 24-00499 and CAF 24-  
00502)

Motion for leave to appeal denied.

3                    Mo. No. 2026-36  
In the Matter of K.F.,  
Respondent,

v.  
T.E.,  
Respondent.  
Michelle I. Rosien, Esq., Attorney for the  
Child,  
Appellant.  
(And Another Proceeding.)

Motion for leave to appeal denied.

3                    Mo. No. 2026-112  
In the Matter of Robert FF.,  
Appellant,

v.  
Heather HH. et al.,  
Respondents.

Motion for leave to appeal denied.

1                    SSD 22  
In the Matter of Fritz Francois, &c.,  
Respondent,  
L.A.,  
Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

4 Mo. No. 2026-10  
In the Matter of Justice G.

Motion for leave to appeal denied.

Monroe County Department of Human  
Services,  
Respondent;  
Candic G.,  
Appellant.

1 Mo. No. 2026-255  
In the Matter of J.S.G.,  
&c.

Motion for leave to appeal denied.

Graham Windham Services to Families and  
Children,  
Respondent;  
S.G.,  
Appellant,  
et al.,  
Respondent.

2 Mo. No. 2026-35  
In the Matter of Shirin Golian,  
Respondent,  
v.  
Hilda Yashaya Golyan,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2026-40  
In the Matter of Goddess H.

Motion for leave to appeal denied.

Erie County Department of Social Services,  
Respondent;  
Damon H.,  
Appellant.

3                    Mo. No. 2026-247  
In the Matter of State of New York,  
    Respondent,  
    v.  
Philip II.,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2026-304  
In the Matter of Joshua Irwin,  
    Respondent,  
    v.  
Sarah Snyder,  
    Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

4                    Mo. No. 2026-228  
In the Matter of Jayron J., et al.  
  
Erie County Department of Social Services,  
    Respondent;  
Ronecia H.,  
    Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2026-321  
In the Matter of Ana J.,  
    Respondent,  
    v.  
Nasar J.,  
    Appellant.  
(And Other Proceedings.)

Motion for leave to appeal denied.

2                    Mo. No. 2026-18  
The People &c. ex rel. Marquis Jacobs,  
    Appellant,  
    v.  
Anthony J. Larocco, &c.,  
    Respondent.

Motion for leave to appeal denied.  
Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

2                    Mo. No. 2026-211  
In the Matter of Kadri K.

Adminstration for Children's Services,  
    Respondent;  
Kevin K.,  
    Appellant,  
et al.,  
    Respondent.  
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceedings within the  
meaning of the Constitution.  
Motion for financial relief dismissed as academic.

3                    Mo. No. 2026-299  
In the Matter of Khloe KK., &c.

Ulster County Department of Social Services,  
    Respondent;  
Tiffany JJ.,  
    Appellant.  
(And Other Proceedings.)

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4                    Mo. No. 2026-47  
In the Matter of Michelle L. King,

    Respondent,  
v.  
Michael T. King, Jr.,  
    Appellant.

Motion for leave to appeal denied.

4                    SSD 18  
In the Matter of Tony Kirik,  
    Appellant,

v.  
Debra A. Martin, &c., et al.,  
    Respondents.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no substantial  
constitutional question is directly involved.

2                    Mo. No. 2026-272  
In the Matter of Chary M.L.

New Alternatives for Children, Inc.,  
    Respondent;  
Zachary R.,  
    Appellant,  
et al.,  
    Respondent.  
(And Another Proceeding.)

Motion for leave to appeal denied.

3                    Mo. No. 2026-367  
In the Matter of Gianni LL.,  
&c.

Ulster County Department of Social Services,  
    Respondent;  
Beatriz LL.,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4                    SSD 19  
In the Matter of Jonah M.

Onondaga County Department of Children  
and Family Services,  
    Respondent;  
Davion D.,  
    Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that the two-Justice dissent  
at the Appellate Division is not on a question of law  
(*see* CPLR 5601 [a]).

1                    Mo. No. 2026-54  
In the Matter of D.M.,  
    Respondent,

    v.  
B.L.J.,  
    Appellant.

Motion for leave to appeal denied.

4                    Mo. No. 2025-899  
In the Matter of Makayla, &c.

Jason L.,  
    Respondent;  
Michael B.,  
    Appellant.

2                    SSD 17  
Nella Manko,  
    Appellant,  
    v.  
Shorefront Apartments, LLC,  
et al.,  
    Respondents.

1                    Mo. No. 2026-381  
The People &c.,  
    Respondent,  
    v.  
Omar Martinez,  
    Appellant.  
(App. Div. Mot. No. 2023-04458)

1                    Mo. No. 2026-382  
The People &c.,  
    Respondent,  
    v.  
Omar Martinez,  
    Appellant.  
(App. Div. Mot. No. 2025-06743)

Motion for leave to appeal denied.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2026-85  
In the Matter of April McCants-Baskin,  
Respondent,  
v.  
Dock Antonio Mack,  
Appellant.  
(App. Div. Nos. CAF 24-00126 and CAF 25-  
00517)

Motion, insofar as it seeks leave to appeal from the Appellate Division order affirming the Family Court order denying in part appellant's motion to settle the record on appeal, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.  
Motion for financial relief dismissed as academic.

4 Mo. No. 2026-86  
In the Matter of April McCants-Baskin,  
Respondent,  
v.  
Dock Mack,  
Appellant.  
(App. Div. No. CAF 24-00992)

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 SSD 21  
William Mendez,  
Respondent,  
v.  
The Primitive Christian Church et al.,  
Defendants,  
Assemblies of God National Youth  
Ministries, et al.,  
Appellants,  
et al.,  
Defendant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2026-310  
In the Matter of Melissa MM.,  
Appellant,  
v.  
Barrett LL.,  
Respondent.  
(And Other Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2026-148  
In the Matter of Bryana O'Brien,  
Respondent,  
v.  
Jamie Frazzini, &c.,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2026-224  
In the Matter of Noah P.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

Onondaga County Department of Children  
and Family Services,  
Respondent;  
Ashley P.,  
Respondent,  
Anthony F.,  
Appellant.

2 Mo. No. 2026-408  
The People &c.,  
Respondent,  
v.  
Mustafaa Phillip,  
Appellant.

Motion for an extension of the time within which to  
apply for permission to appeal pursuant to CPL  
460.20 granted and motion papers treated as a timely  
CPL 460.20 application.  
Judge Singas took no part.

3 Mo. No. 2026-79  
In the Matter of State of New York,  
Respondent,  
v.  
Justin Q.,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

2 Mo. No. 2026-167  
In the Matter of Ashana R.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

Orange County Department of Social  
Services,  
Respondent;  
Paul R.,  
Appellant.

4 Mo. No. 2026-210  
In the Matter of Dax S. et al.

Erie County Department of Social Services,  
Respondent;  
Sunshine P.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2026-160  
In the Matter of Alisha SS., &c.

Schenectady County Department of Social  
Services,  
Respondent;  
Zuhra SS.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2026-13  
In the Matter of Y. SS., &c.

Tompkins County Department of Social  
Services,  
Respondent;  
E. SS.,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2026-386  
The People &c.,  
Appellant,  
v.  
Hannah T.,  
Respondent.

Motion by Chief Defenders Association of New York et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 Mo. No. 2026-409  
The People &c.,  
Respondent,  
v.  
David T.,  
Appellant.

Motion for assignment of counsel granted and Jan Perlin, Esq., P.O. Box 15, Oak Hill, NY 12460 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2026-31  
In the Matter of Ashley Thompson et al.,  
Respondents,  
v.  
Autumn Schneider,  
Appellant.  
Cheryl LaManche,  
Respondent.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4 Mo. No. 2026-348  
The People &c.,  
Respondent,  
v.  
Dennis Timmons,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

1 Mo. No. 2025-694  
U.S. Bank National Association, &c.,  
Appellant,  
v.  
DLJ Mortgage Capital, Inc. et al.,  
Respondents.

Motion for leave to appeal denied.  
Judge Halligan took no part.

3 Mo. No. 2026-9  
In the Matter of Chad V.,  
Respondent,  
v.  
Kristen W.,  
Appellant.

Motion for leave to appeal denied.

3                    Mo. No. 2026-283  
In the Matter of Linda V.,  
                  Appellant,  
          v.  
Christopher W.,  
                  Respondent.  
(And Other Proceedings.)

Motion for leave to appeal denied.

4                    Mo. No. 2026-157  
In the Matter of Julia A. Vito,  
                  Respondent,  
          v.  
Kyle A. Dugan,  
                  Appellant.  
(And Another Proceeding.)  
(App. Div. Nos. CAF 24-01503 and CAF 24-  
01504)

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1                    Mo. No. 2026-17  
In the Matter of State of New York,  
                  Respondent,  
          v.  
K.W.,  
                  Appellant.

Motion for leave to appeal denied.

1                    Mo. No. 2026-93  
In the Matter of G.Y.W.,  
                  Appellant,  
          v.  
Jewish Child Care Association, et al.,  
                  Respondents,  
J.C.S., et al.,  
                  Respondents.

Motion for leave to appeal denied.

1                    Mo. No. 2026-174  
In the Matter of Rodney W.,  
                  Appellant,  
          v.  
Uchechi C.,  
                  Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2026-181  
In the Matter of F.S.W., &c.

Lutheran Social Services of NY,  
Respondent;  
A.F.M.,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4 Mo. No. 2026-329  
The People &c.,  
Respondent,  
v.  
Jimmie Wright,  
Appellant.

Motion for assignment of counsel granted and  
Chelsea Palmisano, Esq., Monroe County Conflict  
Defender, 16 East Main Street, Suite 600, Rochester,  
NY 14614 assigned as counsel to the appellant on the  
appeal herein.

3 Mo. No. 2026-277  
In the Matter of L. XX., &c.

Albany County Department for Children,  
Youth and Families,  
Respondent;  
V. WW.,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

3 Mo. No. 2025-893  
In the Matter of Josiah Y. et al., &c.

Schenectady County Department of Social  
Services,  
Respondent;  
Shanna V.,  
Appellant.  
(And Other Proceedings.)

Motion for leave to appeal denied.