

State of New York
Court of Appeals

Decisions

June 23, 2026

CASES

2 No. 45
The People &c.,
 Respondent,
 v.
Jarelle Brazeal,
 Appellant.

Order modified by striking the Box 28 search condition from defendant's probationary term and, as so modified, affirmed.
Chief Judge Wilson and Judges Rivera, Cannataro and Halligan concur, Judge Halligan in an opinion in which Chief Judge Wilson and Judge Cannataro concur and Judge Rivera in a separate concurring opinion.
Judge Troutman dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

1 No. 57
The People &c.,
 Respondent,
 v.
Tonie Coggins,
 Appellant.

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

1 No. 61
The People &c.,
 Respondent,
 v.
Andre Fernandez,
 Appellant.

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

2 No. 46
The People &c.,
 Respondent,
 v.
Miguelina Lora,
 Appellant.

Order affirmed.
Opinion by Judge Halligan.
Judges Garcia, Singas, Cannataro and Troutman concur.
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

No. 59

SeanPaul Reyes,
Respondent,
v.
City of New York,
Appellant.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and record submitted, certified question, as reformulated, answered in the negative.

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

No. 58

Eugene Volokh, et al.,
Respondents,
v.
Letitia James, &c.,
Appellant.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and record submitted, first and second certified questions answered in the affirmative and third certified question answered in the negative.

Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera and Troutman concur.
Judge Garcia dissents in part in an opinion, in which Judges Singas and Halligan concur.

No. 53

David Walton, &c. et al.,
Appellants,
v.
Comfort Systems USA (Syracuse), Inc., &c.,
Respondent.

Following certification of questions by the United States Court of Appeals for the Second Circuit and acceptance of the questions by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and record submitted, first certified question answered in the affirmative and second certified question answered in the negative.

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

MOTIONS

1 Mo. No. 2025-856
138-140 West 32nd Street Associates LLC,
 Respondent,
 v.
138-140 West 32nd Street Associates, &c., et
al.,
 Appellants.

Motion for reargument of motion for leave to appeal
denied.

1 Mo. No. 2026-66
Wilmadro D. Arias, &c.,
 Respondent,
 v.
City of New York, et al.,
 Defendants,
Binberk Realty Corp.,
 Appellant.

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

2 Mo. No. 2025-868
Ali Dawoodi,
 Appellant,
 v.
City of New York, et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied.

3 Mo. No. 2026-24
Nicole DeCrescenzo,
 Respondent,
 v.
Adam G. Suslak,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2026-105
Deutsche Bank National Trust Company, &c.,
 Respondent,
 v.
Donovan March,
 Appellant,
et al.,
 Defendants.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2025-904
The People &c.,
 Respondent,
 v.
Andre Ferguson,
 Appellant.

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

 Mo. No. 2026-78
Jill M. Fox,
 Appellant,
 v.
State of New York,
 Respondent.

On the Court's own motion, appeal transferred, without costs, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).
Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3; CPLR 5602).
Motion for financial relief dismissed as academic.

2 Mo. No. 2025-857
James Gersbeck,
 Plaintiff,
Robert Wiedmann, Jr. et al.,
 Appellants,
 v.
Haldane Rodgers et al.,
 Defendants,
City of New York,
 Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2025-827
Rachel Herman, et al.,
Respondents,
v.
Judlau Contracting, Inc.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-903
Judlau Contracting, Inc. et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2026-57
Judlau Contracting, Inc. et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion by New York Road Contractors Association, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1 Mo. No. 2026-98
Judlau Contracting, Inc. et al.,
Appellants,
v.
City of New York, et al.,
Respondents.

Motion by General Contractors Association of New York, Inc. for leave to appear amicus curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

4 Mo. No. 2026-216
The People &c. ex rel. Terrance Hines,
Appellant,
v.
Christopher Yehl, &c.,
Respondent.

Motion for leave to appeal dismissed upon the ground that no appeal lies from an order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5602).

1 Mo. No. 2025-884
The People &c.,
Respondent,
v.
Gary Jacques,
Appellant.

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

1 Mo. No. 2025-863
The People &c.,
Respondent,
v.
Mbarek Lafrem,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-902
In the Matter of Law Office of Cyrus Joubin,
&c.,
Appellant,
v.
Manhattan District Attorney's Office,
Respondent.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as reversed the October 2024 Supreme Court order granting reargument &c., dismissed upon the ground that such portion of the Appellate Division order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise granted.

1 Mo. No. 2026-115
Jonathan Llerena,
Respondent,
v.
975 Park Avenue Corp., et al.,
Appellants.

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

3 Mo. No. 2026-180
Peter C. Lomtevas,
Appellant,
v.
City of Schenectady, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2026-69

Sian Maliah-Dupass,
Respondent,

v.

Jahiz N. Dupass,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-116

In the Matter of Jehudaia Martinez,
Appellant,

v.

Luigi Lauretano,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2026-28

In the Matter of Latisha M. McClarin,
Appellant,

v.

Timothy Whitehead, Sr.,
Respondent.

(And Other Proceedings.)

(App. Div. Nos. CAF 23-01715, CAF 23-01716, CAF 23-01717, CAF 23-01718, CAF 23-01719, CAF 23-01720, CAF 23-01721, CAF 23-01722, CAF 23-01723, and CAF 23-01724)

Motion, insofar as it seeks leave to appeal from the June 2025 Appellate Division orders that affirmed the Family Court orders granting the motion to dismiss the family offense petitions, denied; motion for leave to appeal otherwise dismissed upon the ground that the other Appellate Division orders sought to be appealed from do not finally determine the proceedings within the meaning of the Constitution.

2 Mo. No. 2026-8

The People &c.,
Respondent,

v.

Ariel Mejia,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-875

The People &c.,
Respondent,

v.

Luis Morales,
Appellant.

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

3 Mo. No. 2025-826
In the Matter of N'Thai N. et al., &c.

Albany County Department of Children,
Youth and Families,
Respondent;
Mali N.,
Appellant.
(And Other Proceedings.)

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.

2 Mo. No. 2025-842
In the Matter of Matthew Pecchia, &c.,
Appellant,
v.
Kerri Neifeld, &c. et al.,
Respondents.

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

2 Mo. No. 2025-897
The People &c.,
Respondent,
v.
Alberto Perez,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-813
The People &c.,
Respondent,
v.
Camel Reyes,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-886
In the Matter of RSRNC, LLC, &c.,
Appellant,
v.
James V. McDonald, &c.,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2026-217
In the Matter of James C. Russell,
Respondent,
v.
Town of Mount Pleasant, New York,
Appellant.

Motion for reargument denied.

2 Mo. No. 2025-906
In the Matter of Rye Country Day School,
Respondent,
v.
Noreen P. Whitty, &c., et al.,
Appellants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2 Mo. No. 2025-858
In the Matter of Sahara Construction Corp.,
Appellant,
v.
New York City Office of Administrative
Trials and Hearings, &c., et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2026-158
Mena Salamah,
Respondent,
v.
Marta Grabowska,
Appellant.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

1 Mo. No. 2026-377
Second Child et al.,
Appellants,
v.
Edge Auto, Inc. et al.,
Respondents.

Motion for reargument denied.

1 Mo. No. 2025-731
In the Matter of Stuyvesant Town-Peter
Cooper Village Tenants Association et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal, et al.,
Respondents.
(Index No. 154097/2021)

Motion for leave to appeal granted.

1 Mo. No. 2026-204
In the Matter of Stuyvesant Town-Peter
Cooper Village Tenants Association et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal, et al.,
Respondents.
(Index No. 154094/2021)

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2026-291
In the Matter of Stuyvesant Town-Peter
Cooper Village Tenants Association et al.,
Appellants,
v.
New York State Division of Housing and
Community Renewal, et al.,
Respondents.
(Index No. 154094/2021)

Motion by P.A.L.A.N.T.E. Harlem et al. for leave to
appear amici curiae on the motion for leave to appeal
herein granted and the brief is accepted as filed.

2 Mo. No. 2025-784
Thuro Metal Products, Inc.
et al.,
Respondents,
v.
Farber Industrial, LLC,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-261
In the Matter of Luis Valentin,
 Appellant,
 v.
Jess Dannhauser, &c., et al.,
 Respondents.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution. 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. 2026-194
Sehra Waheed,
 Appellant,
 v.
Sonia Kim et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from the March 2026 Appellate Division orders, dismissed upon the ground that such orders do not finally determine the action within the meaning of the Constitution; motion for leave to appeal from the March 2026 Supreme Court order denied. Motion for financial relief dismissed as academic. Motion for a stay dismissed as academic. Motion for other ancillary relief dismissed upon the ground that the Court lacks jurisdiction to entertain it.

2 Mo. No. 2025-888
Howard L. Wieder,
 Appellant,
 v.
Home Depot U.S.A., Inc. et al.,
 Respondents,
et al.,
 Defendants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.