

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

December 18, 2020 through December 24, 2020

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

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 Rule 500.23 and direct any questions to the Clerk's Office.

MABRY (NATHANIEL), PEOPLE v:

2ND Dept. App. Div. order of 6/24/20; affirmance; leave to appeal granted by Leventhal, J., 11/9/20; Rule 500.11 review pending;

Crimes--Unlawful Search and Seizure--Whether the police had reasonable suspicion to pursue and stop defendant; whether the police were justified in searching the defendant's backpack incident to his arrest; Whether the warrantless search of the defendant's backpack incident to arrest was justified; Crimes--Right to Counsel--Whether counsel was ineffective;

Supreme Court, Queens County, convicted defendant, upon a plea of guilty, of two counts of burglary in the second degree, two counts of criminal possession of stolen property in the fourth degree, three counts of criminal possession of stolen property in the fifth degree, and possession of burglar's tools; App. Div. affirmed.