

COURT OF APPEALS NEW FILINGS

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

October 8, 2021 through October 14, 2021

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.

PEOPLE v SANDERS (OSCAR):

1st Dept. App. Div. order of 5/27/21; affirmance; leave to appeal granted by Rivera, J., 9/27/21;

Crimes--Harmless and Prejudicial Error--Whether the trial court erred in ordering defendant to be handcuffed during rendition of the verdict and the polling of the jury and, if so, whether the error was harmless; Crimes--Sentence--Whether the court failed to follow proper procedure in adjudicating defendant a persistent felony offender; Crimes--Lesser Included Offenses--Whether the trial court properly declined to submit assault in the third degree as a lesser included offense of assault in the second degree; Crimes--Instructions--Whether the trial court properly declined to charge the jury on justified use of ordinary force;

Supreme Court, New York County convicted defendant of attempted assault in the first degree, assault in the second degree and criminal contempt in the first degree, and

sentenced defendant, as a persistent felony offender, to concurrent terms of 15 years to life; App. Div. affirmed.