



*State of New York
Court of Appeals*

Vol. 43 - No. 6
3/17/23

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

COURT OF APPEALS NEW FILINGS

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

February 10, 2023 through February 16, 2023

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.

A. (JUSTICE), PEOPLE v.:

1st Dept. App. Term order of 11/22/22; affirmance; leave to appeal granted by Garcia, J., 2/2/23; Rule 500.11 review pending;

Crimes—Right to Speedy Trial—Whether defendant's CPL 30.30 speedy trial motion was properly denied;

Criminal Court, City of New York, New York County, convicted defendant of assault in the third degree and imposed sentence; App. Term affirmed.

FORECLOSURE OF TAX LIENS BY THE COUNTY OF BROOME, MATTER OF :

3rd Dept. App. Div. order of 1/19/23; dismissal; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether a substantial constitutional question is directly involved to support an appeal as of right;

Liens—Foreclosure—Denial of motion to compel taxing authority to accept late payment of delinquent taxes;

County Court, Broome County, in a proceeding pursuant to RPTL article 11, among other things, denied respondents' motion to compel petitioner to accept late payment of delinquent taxes; App. Div. dismissed the appeal.

THOMAS, (KEVIN L.), PEOPLE v.:

3rd Dept. App. Div. order of 12/22/22; affirmance; leave to appeal granted by Aarons, J., 2/2/23;

Crimes—Unlawful Search and Seizure—Whether police lacked justification for prolonged traffic stop; whether parole officer acted as a conduit for police in conducting vehicle search; Crimes—Evidence—Whether People's failure to produce dashcam video constituted a *Brady* violation;

County Court, Chemung County, convicted defendant upon a plea of guilty to the crime of criminal possession of a controlled substance in the third degree and imposed sentence; County Court, Chemung County, denied defendant's motion pursuant to CPL 440.10 to vacate the judgment of conviction, without a hearing; App. Div. affirmed the order and judgment.