



State of New York
Court of Appeals

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Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700

COURT OF APPEALS NEW FILINGS

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

April 17, 2026 through April 23, 2026

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 B. (SALINA):

APL-2026-00036

3rd Dept. App. Div. order of 1/15/26; reversal; leave to appeal granted by Clark, J., 3/19/26;

Crimes—Plea of Guilty—Withdrawal of Plea—Whether the Appellate Division erred in concluding that the exception to the preservation requirement applied to defendant's challenge to her plea based on her statements at a post-plea hearing on her application for alternative sentencing—Whether the Appellate Division erred by vacating defendant's guilty plea; Crimes—Whether defendant was denied the effective assistance of counsel;

County Court, Rensselaer County, convicted defendant, upon her plea of guilty, of the crimes of assault in the second degree and criminal possession of a weapon in the third degree; App. Div. reversed a judgment of conviction and remitted for further proceedings.

FEDERAL NATIONAL MORTGAGE ASSOCIATION v WEISS:

APL-2026-00043

2nd Dept. App. Div. order of 3/11/26; affirmance; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Mortgages—Foreclosure—Whether the Foreclosure Abuse Prevention Act’s retroactive application violates procedural and substantive due process or the prohibition against the impairment of contracts;

Supreme Court, Kings County, in an action to foreclose on a mortgage, granted the motion of defendants David Weiss and Maleic Heisenberg, sued herein as John Doe, for summary judgment dismissing the complaint as time-barred and on their counterclaim pursuant to RPAPL 1501(4) to cancel and discharge of record the mortgage.; App. Div. affirmed.

MATTER OF THE PEOPLE BY JAMES v COMMONS WEST:

APL-2026-00035

3rd Dept. App. Div. order of 3/5/26; affirmance;

Civil Rights—Discrimination in Housing—Whether Executive Law § 296(5)(a)(1), which forbids housing discrimination based on individuals’ lawful source of income, including housing assistance under Section 8 of the United States Housing Act of 1937, is unconstitutional on its face because it effectively requires landlords to take part in the Section 8 program, which in turn obligates landlords to consent to warrantless searches of their premises and records in violation of the Fourth Amendment;

Supreme Court, Tompkins County, in a proceeding under Executive Law § 63(12), granted respondents’ motion to dismiss the petition; Supreme Court, Tompkins County, among other things, granted respondents’ cross-motion for summary judgment on their counterclaim for a declaration that Executive Law § 296(5)(a)(1) is unconstitutional on its face; App. Div. affirmed.

MATTER OF JONAH M.:

APL-2026-00044

4th Dept. App. Div. order of 3/27/26; affirmance; sua sponte examination of whether the dissent at the Appellate Division is on a question of law;

Parent, Child and Family—Termination of Parental Rights—Whether petitioner established by clear and convincing evidence that it made diligent efforts to encourage and strengthen the relationship between the father and the child and that the father failed to plan for the child’s future;

Family Court, Onondaga County, in a proceeding pursuant to Social Services Law § 384-b, among other things, terminated the parental rights of respondent with respect to the subject child; App. Div., with two Justices dissenting, affirmed.

PEOPLE v ORTIZ (ROBERT):

APL-2026-00031

1st Dept. App. Div. order of 12/31/24; affirmance; leave to appeal granted by Troutman,

J., 3/17/26;

Courts—Appellate Division—Whether the Appellate Division lacked jurisdiction, under CPL 470.15 (1) and *People v LaFontaine* (92 NY2d 470 [1998]), to determine whether defendant was subject to a strip search; Crimes—Unlawful Search and Seizure—Whether defendant was subject to a strip search when a police officer pulled his pants and underwear forward and reached into defendant’s underwear to retrieve a bag that contained drugs;

Supreme Court, New York County, denied defendant's CPL 440.10 motion to vacate his conviction; Supreme Court, New York County, convicted defendant, after a jury trial, of criminal possession of a controlled substance in the third degree, and sentenced him, as a second felony drug offender previously convicted of a violent felony, to a term of six years; App. Div. affirmed a judgment of the Supreme Court, New York County, and an order of the same court that denied defendant's CPL 440.10 motion to vacate his conviction.

