



*State of New York*  
*Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

**May 22, 2026 through May 28, 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.**

MATTER OF PEOPLE OF THE STATE OF NEW YORK v SIRIUS XM RADIO:  
APL-2026-00071

1st Dept. App. Div. order of 11/6/25; affirmance; leave to appeal granted by the Appellate Division on a certified question, 5/14/26;

**Consumer Protection—Deceptive Acts and Practices—Whether the courts below properly held that the Attorney General may not base its claims or seek recovery based on out-of-state consumers in this proceeding where respondent, a New York-based media company that offers satellite radio to consumers via subscriptions, has been found liable under Executive Law § 63(12) for violating the federal Restore Shoppers' Confidence Act (15 USC § 8403) by failing to provide a simple subscription cancellation method;**  
Supreme Court, New York County, denied petitioner's motion for summary judgment except as

to the fifth cause of action and granted respondent's motion for summary judgment dismissing the petition except as to the fifth cause of action; App. Div. affirmed.

MATTER OF ISAIAH STOKES:

APL-2026-00040

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

**Proceeding Against Body or Officer—Whether the petition was properly denied; alleged constitutional violations;**

App. Div., in a proceeding under CPLR article 78, among other things, in effect, in the nature of mandamus to compel a Justice of the Supreme Court, Queens County, to direct the respondent District Attorney, Queens County, to respond to a purported motion by the petitioner pending in Supreme Court, Queens County, under Indictment No. 633/21, denied the petition and dismissed the proceeding.

PEOPLE v TENACE (DAVID):

APL-2026-00057

3rd Dept. App. Div. order of 10/9/25; affirmance; leave to appeal granted by Troutman, J., 5/7/26;

**Crimes—Sentence—Whether County Court erred by failing to conduct a hearing pursuant to the Domestic Violence Survivors Justice Act (Penal Law § 60.12) based on defendant's statements at sentencing;**

County Court, Schenectady County, convicted defendant upon his plea of guilty of the crimes of burglary in the second degree and petit larceny; App. Div. affirmed.

PEOPLE v WILLIAMS (SHALA):

APL-2026-00067

4th Dept. App. Div. order of 3/27/26; reversal; leave to appeal granted by Greenwood, J., 5/5/26;

**Crimes—Evidence—Declaration Against Interest—Whether the trial court abused its discretion in denying defendant's request that a witness's testimony from a prior CPL article 440 hearing be admitted into evidence as a statement against penal interest;**

County Court, Onondaga County, convicted defendant upon a jury verdict of murder in the second degree, assault in the second degree, and criminal possession of a weapon in the second degree (two counts).