

CASE ISSUE STATEMENTS – OCTOBER 2020

The calendar is subject to change. Please contact the Clerk's Office for any updated information.

If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeals Public Access and Search System (Court-PASS), which is accessible from the homepage on the Court's website.

TUESDAY, OCTOBER 13

People ex rel McCurdy v Warden (No 73)

APL-2018-00220

Crimes—Sex Offenders —Whether Department of Corrections and Community Supervision had authority to place a level three sex offender who already completed more than six months of postrelease supervision into Residential Treatment Facility where sex offender was unable to locate housing compliant with the Sexual Assault Reform Act; application of Penal Law § 70.45 (3), Correction Law § 73(10), Executive Law § 259-c (14).

People ex rel Johnson v Superintendent (No. 74)

APL-2019-147

Crimes—Sex Offenders--Whether the mandatory condition on parole release imposed under Executive Law § 259-c (14) is violative of substantive due process under the Federal or State Constitution.

People ex rel Ortiz v Breslin (No. 75)

APL-2020-87

Crimes—Sex Offenders--Whether Department of Corrections and Community Supervision's placement of petitioner in a residential treatment facility during his period of post release supervision until petitioner was able to locate housing that complied with the Sexual Assault Reform Act violated his right to substantive due process and constituted cruel and unusual punishment.

People ex rel Negron v Superintendent, Woodbourne (No. 76)

APL-2019-91

Crimes--Sex Offenders--Whether petitioner is subject to Executive Law § 259–c (14), which prohibits certain inmates being released from custody from knowingly entering into or upon any school grounds; petitioner, a level three sex offender, was serving a sentence for an offense not enumerated in section 259-(c) prior to his release from custody.

WEDNESDAY, OCTOBER 14

Chen v Ins. Co. of the State of Pennsylvania (No. 77)

APL-2019-118

Contracts—Waiver-- Whether excess insurer defendant waived argument relating to its obligation to cover interest on personal injury judgment; Motions--Reargument or Renewal--

Whether Supreme Court properly granted reargument to consider interest issue; Insurance-- Construction of Policy--Whether Supreme Court properly interpreted excess insurance policy.

DiLorenzo v Windermere Owners (No. 78)

APL-2019-132

Landlord and Tenant--Rent Regulation--Whether defendants, original and successor owner of residential building, substantiated defendants' claims that they made sufficient expenditures for individual apartment improvements, thereby rendering subject apartment exempt from rent stabilization; whether plaintiff waived claim regarding useful life of improvements.

People v Everett D. Balkman (No. 79)

APL-2019-180

Crimes-Unlawful Search and Seizure—Whether the police had reasonable suspicion to stop a vehicle in which defendant was a passenger based on a computerized alert indicating the existence of a “similarity” between the registered owner of the vehicle and a person with an active arrest warrant.

Matter of Marian T. (Lauren R.) (No. 49)

APL-2019-52

Adoption—Adoption of Adult—Whether Surrogates’ Court had discretion to dispense with adult adoptee’s consent in adoption proceeding; petitioners commenced proceeding to adopt 64-year old woman with severe intellectual disabilities, who resided in petitioners’ family care home; construction of Domestic Relations Law § 111(1)(a).

THURSDAY, OCTOBER 15

Sutton v Pilevsky (No. 80)

APL-2019-28

United States—Federal Preemption-- Whether plaintiff’s state law claims are preempted by federal law; sole damages sought by plaintiff were losses resulting from the delay of a real estate project due to bankruptcy filing of two nonparty entities.

Trustees of Columbia Univ. v D'Agostino Supermarkets (No. 40)

APL-2019-89

Damages--Liquidated Damages--Whether liquidated damages provision of a commercial lease surrender agreement was enforceable.

People v Lendof-Gonzalez (No. 81)

APL-2019-143

Crimes—Attempt-- Whether evidence was legally sufficient to support conviction for attempted murder in the first and second degree; defendant, inmate at county jail, solicited fellow inmate to kill defendant's wife and mother-in-law upon the inmates release from jail.