

CASE ISSUE STATEMENTS - OCTOBER 2026

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 Appeal Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

TUESDAY, OCTOBER 20

Matter of People by James v Commons West (No. 86)

APL 2026-35

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 State 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.

People v Davis (Antrell) (No. 87)

APL 2025-210

Crimes—Attempt—Whether Penal Law § 265.03 (3) is facially unconstitutional in light of *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]) because the statute does not define the lack of licensure or other disqualifying factors as essential elements of the crime.

People v Ernst (Kyle D.) (No. 88)

APL 2025-180

Crimes and Criminal Procedure—Disclosure—Whether the People failed to exercise due diligence in disclosing certain discovery materials; whether defendant's omnibus motion was still pending before Supreme Court such that the relevant time was not chargeable to the People under CPL 30.30 (4) (a).

People v Everson (Terry) (No. 89)

APL 2025-168

Crimes—Disclosure—Whether the trial court's denial of defendant's request for an adjournment violated CPL 245.80 (1) (a) where the People failed to disclose certain documents used in a fingerprint analysis.

Sapp v Clark Wilson, Inc. (No. 90)

APL 2025-201

Landlord and Tenant—Rent Regulation—Whether the motion by defendants-owners for summary judgment dismissing causes of actions predicated on a claim of deprivation of the benefits of rent stabilization by an illusory tenancy scheme asserted against them by certain plaintiffs, recipients of transitional housing and services for homeless individuals placed in the owners' apartments by the New York City Department of Homeless Services under the Cluster Transitional Residence Program, was properly granted.

WEDNESDAY, OCTOBER 21

Haunted Forest, LLC v Town of Wilson (No. 91)

APL 2025-186

Pleading—Affirmative Defense—Whether the courts below properly denied that part of the motion by respondents-defendants seeking leave to amend the answer to add an affirmative defense based on petitioners-plaintiffs failure to file a summons; whether the failure to file a summons is a waivable defect of personal jurisdiction or a nonwaivable defect of subject matter jurisdiction.

Patel v Maybank (No. 92)

APL 2026-1

Employment Relationships—Whether plaintiff's cause of action seeking attorneys' fees, costs and liquidated damages for unpaid severance pay under Labor Law §§ 193 and 198 is barred under Labor Law § 198-c because plaintiff was an executive.

Ramires v AGDG Car Wash Corp. (No. 93)

APL 2025-184

Compromise and Settlement—Settlement Agreement—Whether the Appellate Division properly denied plaintiffs' motion for an award of attorney's fees on the ground that plaintiffs agreed to a settlement by offer of compromise without expressly reserving their rights to an award of attorneys' fees.

People v S. (Jaleel) (No. 94)

APL 2025-217

Crimes—Sentence—Youthful Offender—Whether a defendant may seek in a CPL 440.20 motion to set aside a sentence on the ground that the sentencing court failed to make a youthful offender determination.

People v Lacen (Jose) (No. 95)

APL 2025-135

Issue: Crimes—Right of Confrontation—Whether the record establishes that the testifying analyst sufficiently participated in the testing process or conducted a meaningful review of the DNA data for purposes of the Confrontation Clause.

THURSDAY, OCTOBER 22

Zain v Isaacson (No. 96)

APL 2025-225

Physicians and Surgeons—Malpractice—Whether the courts below properly denied defendants' motion to dismiss, rejecting defendants' argument that they are entitled to immunity under the Emergency or Disaster Treatment Protection Act (EDTPA); whether podiatrists are "health care professionals" that provide "health care services" within the meaning of the EDTPA.

People v Morris (Tyshawn) (No. 97)

APL 2025-202

Crimes—Search Warrant—Whether execution of the search warrant for defendant's cell phone was untimely under CPL 690.30 (1) and defendant's motion to controvert the warrant should have been granted where the warrant provided that it shall be deemed executed upon delivery of the cell phone to a forensic facility for analysis; Whether the search warrant's authorization to review all contents on defendant's cell phone was overly broad or insufficiently particular; Crimes—Right to Speedy Trial—Whether defendant's CPL 30.30 motion was properly denied.

People v Casiano (Ricardo) (No. 98)

APL 2025-162

Crimes—Right to Remain Silent—Whether defendant was in custody for Miranda purposes when the police approached him in his backyard in response to shots fired; whether defendant's subsequent statements were tainted by the earlier statements such that suppression was warranted; whether defendant was deprived of his ability to present a defense at trial.

People v Spinks (Jonathan) (No. 99)

APL 2025-177

Crimes—Consolidation and Severance—Whether Supreme Court properly consolidated the indictments; whether defendant was deprived of a fair trial.