

**State of New York**  
**Court of Appeals**

**Decisions**

February 20, 2025

**CASES**

1                    No. 8  
The People &c.,  
    Respondent,  
    v.  
Divine Fredericks,  
    Appellant.

Order affirmed.  
Opinion by Judge Troutman.  
Judges Garcia, Singas and Cannataro concur.  
Judge Rivera dissents in an opinion, in which Chief  
Judge Wilson and Judge Halligan concur.

                          No. 107  
Brittany N. Jones, &c.,  
    Appellant,  
    v.  
Cattaraugus-Little Valley Central School  
District,  
    Respondent.

Following certification of a question by the United  
States Court of Appeals for the Second Circuit and  
acceptance of the question by the Court pursuant to  
section 500.27 of this Court's Rules of Practice,  
certified question answered in accordance with the  
opinion herein.  
Opinion by Judge Troutman.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro and Halligan concur.

4                    No. 13  
In the Matter of New York Civil Liberties  
Union,  
    Respondent,  
    v.  
City of Rochester et al.,  
    Appellants.

Order affirmed, with costs.  
Opinion by Judge Cannataro.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Troutman and Singh concur.  
Judge Halligan took no part.

1                    No. 12  
In the Matter of NYP Holdings, Inc., et al.,  
    Respondents,  
    v.  
New York City Police Department et al.,  
    Respondents,  
Police Benevolent Association of the City of  
New York, Inc.,  
    Intervenor-Appellant.

Order insofar as appealed from affirmed, with costs.  
Opinion by Judge Halligan.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro and Troutman concur.

1                    No. 11  
The People &c.,  
    Respondent,  
    v.  
Juan M. Silva Santos,  
    Appellant.

Order affirmed, in a memorandum.  
Judges Garcia, Singas, Cannataro, Troutman and  
Halligan concur.  
Chief Judge Wilson dissents in an opinion, in which  
Judge Rivera concurs.

**MOTIONS**

1                    Mo. No. 2025-52  
In the Matter of 160 East 84th Street  
Associates LLC,  
                  Appellant,  
          v.  
New York State Division of Housing and  
Community Renewal,  
                  Respondent.  
(Index No. 157557/20)  
(And Eight Other Appeals.)

Motion for reargument denied.

3                    Mo. No. 2024-690  
The People &c.,  
                  Respondent,  
          v.  
Asten A. Aldous,  
                  Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2024-809  
The People &c.,  
                  Respondent,  
          v.  
James Arroyo,  
                  Appellant.

Motion for leave to appeal denied.

2                    Mo. No. 2024-750  
Bold Broadcasting, LLC, &c.,  
                  Appellant,  
          v.  
Wawaloam Reservation, Inc.,  
                  Respondent.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the action within the  
meaning of the Constitution.

1                    Mo. No. 2024-799  
Sherly Cadet,  
    Appellant,  
    v.  
Linda S. Ayers, et al.,  
    Respondents.

Motion to vacate this Court's October 29, 2024  
dismissal order denied.  
Motion for financial relief dismissed as academic.

2                    Mo. No. 2024-791  
The People &c.,  
    Respondent,  
    v.  
Augusto Cortez,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1                    Mo. No. 2024-744  
In the Matter of Jonathan W. Davenport,  
    Appellant,  
    v.  
New York State Department of Financial  
Services et al.,  
    Respondents.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that no constitutional  
question is directly involved.  
Motion for leave to appeal denied with one hundred  
dollars costs and necessary reproduction  
disbursements.

2                    Mo. No. 2024-735  
The People &c.,  
    Respondent,  
    v.  
Keyvonte Davis,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

                      Mo. No. 2025-129  
The People &c.,  
    Respondent,  
    v.  
Christopher Farrell,  
    Appellant.

Motion by Animal Legal Defense Fund et al. for  
leave to file a brief amici curiae on the appeal herein  
dismissed as untimely (*see* Rules of Ct of Appeals  
[22 NYCRR] § 500.23 [a] [1] [iii]).

1 Mo. No. 2024-691  
The People &c.,  
Respondent,  
v.  
David Feldmeth,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-747  
The People &c.,  
Respondent,  
v.  
Daniel Galantter,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

2 Mo. No. 2024-732  
The People &c.,  
Respondent,  
v.  
Ervin Jimenez,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-703  
The People &c.,  
Respondent,  
v.  
Ernest Jones,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-688  
The People &c.,  
Respondent,  
v.  
Edwin Lopez,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

2 Mo. No. 2024-765  
C.M.,  
Respondent,  
v.  
West Babylon Union Free School District,  
&c., et al.,  
Appellants.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2024-748  
The People &c.,  
Respondent,  
v.  
El-Hajj Magnetic,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

2 Mo. No. 2024-680  
Manhattan Woods Enterprises, LLC et al.,  
Appellants,  
v.  
County of Rockland et al.,  
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-746  
The People &c.,  
Respondent,  
v.  
Cecil McKenzie,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

1 Mo. No. 2024-823  
Leslie Moore Mira,  
Appellant,  
v.  
Argus Media, et al.,  
Respondents.

Motion to vacate this Court's July 18, 2024 dismissal order denied.

3 Mo. No. 2024-756  
In the Matter of DeVonté Moorer,  
Appellant,  
v.  
Anthony J. Annucci, &c.,  
Respondent.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as confirmed the portion of the determination concerning the weapon possession charge, dismissed upon the ground that the issues presented have become moot; motion for leave to appeal otherwise denied.

2 Mo. No. 2024-604  
In the Matter of New York Civil Liberties  
Union,  
Respondent,  
v.  
Village of Freeport et al.,  
Appellants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2024-692  
In the Matter of the Estate of Alan Gerald  
Prince, &c.

Motion for leave to appeal dismissed upon the ground that it does not lie (*see* CPLR 5602 [a]).  
Motion for financial relief dismissed as academic.

David Marc Prince,  
Appellant,  
v.  
Roberto Machado,  
Respondent.

2 Mo. No. 2024-702  
The People &c.,  
Respondent,  
v.  
Randell Robinson,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-764  
The People &c.,  
Respondent,  
v.  
Kareem Saxton,  
Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

4                    Mo. No. 2024-730  
Catherine Tambini,  
    Appellant,  
    v.  
State of New York,  
    Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

2                    Mo. No. 2024-786  
In the Matter of Wythe Avenue Properties,  
LLC,  
    Appellant,  
    v.  
Tax Commission of the City of New York et  
al.,  
    Respondents.  
(And Related Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

1                    Mo. No. 2024-771  
The People &c.,  
    Respondent,  
    v.  
Harvey Zimmerman,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.