

State of New York
Court of Appeals

Decisions

June 12, 2025

CASES

3 No. 55
The People &c.,
 Respondent,
 v.
Christopher Baldner,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

1 No. 58
The People &c.,
 Respondent,
 v.
Christopher Salas,
 Appellant.

Order modified by remitting to Supreme Court,
Bronx County, for further proceedings in accordance
with the opinion herein and, as so modified, affirmed.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Garcia,
Cannataro, Troutman and Halligan concur.

MOTIONS

3 Mo. No. 2025-352
In the Matter of the Claim of Melissa
Anderson,
 Respondent,
 v.
City of Yonkers,
 Appellant.
Workers' Compensation Board,
 Respondent.

Motion by American Property Casualty Insurance Association for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2025-339
The People &c.,
 Respondent,
 v.
David A. Berry,
 Appellant.

Motion for assignment of counsel granted and Julie A. Cianca, Esq., Monroe County Public Defender, 10 North Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

 Mo. No. 2025-353
The People &c.,
 Respondent,
 v.
Warren Burgess,
 Appellant.

Motion for assignment of counsel granted and Twyla Carter, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-337
The People &c.,
 Appellant,
 v.
Dino J. Callara,
 Respondent.

Motion by District Attorneys Association of the State of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 SSD 29
In the Matter of Nigel Clarke,
 Appellant,
 v.
Alex Azar II, &c., et al.,
 Respondents,
Kathy C. Hochul, &c. et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

4 Mo. No. 2025-340
The People &c.,
 Respondent,
 v.
Eugene Curry,
 Appellant.

Motion for assignment of counsel granted and Julie A. Cianca, Esq., Monroe County Public Defender, 10 North Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-230
In the Matter of Anavias D.

Oneida County Department of Social
Services,
 Respondent;
Jason D.,
 Appellant.
(And Other Proceedings.)
(App. Div. Nos. CAF 23-01226, CAF 23-
01227, and CAF 23-01228)

Motion for leave to appeal denied.

2 SSD 28
Ranee Denton, &c.,
 Respondent,
 v.
Dale R. Javino,
 Appellant,
et al.,
 Defendant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

3 SSD 31
In the Matter of Andrew P. DeWolf,
Appellant,
v.
James V. McDonald, &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

4 SSD 32
Albert G. Fraccola, Jr.,
Appellant,
v.
1st Choice Realty, Inc., et al.,
Defendants,
Randal B. Caldwell, &c.,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

3 Mo. No. 2025-111
In the Matter of Jesse HH.,
Appellant,
v.
Lindsey II.,
Respondent.
(And Two Other Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2025-113
In the Matter of A.E.H.L., et al., &c.

Florentino H.-C.,
Appellant;
Saint Dominic's Family Services,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-356
The People &c.,
Respondent,
v.
Joseph C. Jones,
Appellant.

Motion for assignment of counsel granted and Julie A. Cianca, Esq., Monroe County Public Defender, 10 North Fitzhugh Street, Rochester, NY 14614 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2025-409
In the Matter of Nickie Kane,
 Appellant,
 v.
Shahana Hanif et al.,
 Respondents.

In the Matter of Nickie Kane,
 Appellant,
 v.
Maya Kornberg et al.,
 Respondents.

4 SSD 22
LeTicia Lee,
 Appellant,
 v.
Microsoft Corporation,
 Respondent.

2 Mo. No. 2024-708
In the Matter of State of New York,
 Respondent,
 v.
Steven M.,
 Appellant.

1 SSD 27
Pren Mrijaj, &c.,
 Appellant,
 v.
Genting New York LLC, &c.,
 Respondent.

Motion for reargument of motions for leave to appeal denied.

Motion for reconsideration of this Court's May 20, 2025 dismissal orders denied.

Appeal, insofar as taken from that portion of the Appellate Division order that affirmed so much of the Supreme Court order as granted the motion to compel arbitration, dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous order of the Appellate Division absent the direct involvement of a substantial constitutional question; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that the remainder of the Appellate Division order does not finally determine the action within the meaning of the Constitution.

Motion for leave to appeal denied.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

4 SSD 26
The People &c.,
 Respondent,
 v.
Stefan D. Nichols,
 Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order of the Appellate Division from which leave to appeal was granted has been vacated and superseded by a subsequent order of that Court.

1 Mo. No. 2025-374
In the Matter of New York Civil Liberties
Union,
 Appellant,
 v.
New York State Office of Court
Administration et al.,
 Respondents.

Motion by Reporters Committee for Freedom of the Press, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Chief Judge Wilson took no part.

1 Mo. No. 2025-380
In the Matter of New York Civil Liberties
Union,
 Appellant,
 v.
New York State Office of Court
Administration et al.,
 Respondents.

Motion by The Legal Aid Society, et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Chief Judge Wilson took no part.

1 Mo. No. 2025-383
In the Matter of New York Civil Liberties
Union,
 Appellant,
 v.
New York State Office of Court
Administration et al.,
 Respondents.

Motion by Cynthia Godsoe, et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Chief Judge Wilson took no part.

2 Mo. No. 2025-403
The People &c.,
 Respondent,
 v.
Miguel Angel Palacios,
 Appellant.

Motion for assignment of counsel granted and Patricia Pazner, Esq., Appellate Advocates, 111 John Street, 9th Floor, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-251
In the Matter of Shakema R.,
 Respondent,
 v.
Mesha B.,
 Appellant.
(And Three Other Proceedings.)
(App. Div. Nos. CAF 23-00589, CAF 23-00590, CAF 23-00591, and CAF 23-00592)

Motion for leave to appeal denied.

2 SSD 30
Gerald Raymond et al.,
 Appellants,
 v.
City of New York, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2025-348
Veronica SanMiguel, &c. et al.,
 Respondents,
 v.
Meryl Y. Grimaldi, &c. et al.,
 Appellants,
et al.,
 Defendant.

Motion by Greater New York Hospital Association et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2025-371
Veronica SanMiguel, &c. et al.,
 Respondents,
 v.
Meryl Y. Grimaldi, &c. et al.,
 Appellants,
et al.,
 Defendant.

Motion by New York State Academy of Trial Lawyers for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1 Mo. No. 2025-381
Veronica SanMiguel, &c. et al.,
 Respondents,
 v.
Meryl Y. Grimaldi, &c. et al.,
 Appellants,
et al.,
 Defendant.

Motion by Medical Society of the State of New York et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4 Mo. No. 2025-180
In the Matter of Bishme Smith,
 Appellant,
 v.
Yolanda King,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-402
The People &c.,
 Appellant,
 v.
Kenneth Tyson,
 Respondent.

Motion for assignment of counsel granted and David C. Schopp, Esq., The Legal Aid Bureau of Buffalo, Inc., 290 Main Street, Suite 350, Buffalo, NY 14202 assigned as counsel to the respondent on the appeal herein.

3 Mo. No. 2025-183
In the Matter of Jenise M. Waddy,
 Appellant,
 v.
Manhattan & Bronx Surface Transit
Authority,
 Respondent.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.