

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

**Decisions**

May 15, 2025

**CASES**

3                    No. 44  
The People &c.,  
    Respondent,  
    v.  
Carissa Hemingway,  
    Appellant.

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

2                    No. 51  
The People &c.,  
    Respondent,  
    v.  
Daniel Sherlock,  
    Appellant.

Order modified, without costs, in accordance with the  
opinion herein and, as so modified, affirmed.  
Opinion by Judge Cannataro.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Troutman and Halligan concur.

**MOTIONS**

3 Mo. No. 2025-13  
In the Matter of Carmela D. et al., &c.

Schenectady County Department of Social  
Services,  
Respondent;  
Shameeka G.,  
Appellant.

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In the Matter of Carmela D., &c.

Schenectady County Department of Social  
Services,  
Respondent;  
Tristen F.,  
Appellant.

2 Mo. No. 2025-272  
The People &c. ex rel. Peter A. Barta, on  
behalf of Shyheid Gibson,  
Appellant,  
v.  
Louis A. Molina, &c.,  
Respondent.

2 Mo. No. 2025-274  
In the Matter of Steven Cohn, &c.

Grievance Committee for the Tenth Judicial  
District,  
Respondent;  
Steven Cohn,  
Appellant.

Motions for leave to appeal denied.

Motion by The Legal Aid Society 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.

Motion for leave to appeal denied.  
Motion for a stay dismissed as academic.

2 Mo. No. 2025-242  
The People &c.,  
Respondent,  
v.  
Christian Cruz,  
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2025-256  
The People &c.,  
Respondent,  
v.  
Phillip Dondorfer,  
Appellant.

Motion for assignment of counsel granted and Leah R. Nowotarski, Esq., Wyoming County Public Defender, 18 Linwood Avenue, Warsaw, NY 14569 assigned as counsel to the appellant on the appeal herein.

2 SSD 15  
Andy L. Escobar,  
Respondent,  
v.  
Segunda Iglesia Pentecostal Juan 3:16  
Asamblea de Dios et al.,  
Defendants,  
Assemblies of God National Youth  
Ministries, et al.,  
Appellants.

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 Mo. No. 2025-298  
The People &c.,  
Respondent,  
v.  
Errick Guerrero,  
Appellant.

Motion for assignment of counsel granted and Bradley E. Keem, Esq., c/o Keem Appeals, PLLC, 333 East Onondaga Street, Suite 311, Syracuse, NY 13202 assigned as counsel to the appellant on the appeal herein.

2 Mo. No. 2024-740  
In the Matter of State of New York,  
Respondent,  
v.  
Victor H.,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-271  
In the Matter of Hudson Valley Property  
Owners Association Inc. et al.,  
Appellants,  
v.  
City of Kingston, et al.,  
Respondents.

Motion by New York Apartment Association, Inc. et al. for leave to file a brief amici 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.

3 Mo. No. 2025-46  
In the Matter of Sarah I.,  
Respondent,  
v.  
Ian J.,  
Appellant.  
(And Two Other Related Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2025-205  
IntegrateNYC, Inc., et al.,  
Respondents,  
v.  
State of New York et al.,  
Appellants,  
Parents Defending Education,  
Appellant.

Motion by New York City Bar Association 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.

1 Mo. No. 2025-236  
IntegrateNYC, Inc., et al.,  
Respondents,  
v.  
State of New York et al.,  
Appellants,  
Parents Defending Education,  
Appellant.

Motion by New York Civil Liberties Union Foundation 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.

2 Mo. No. 2025-285  
The People &c. ex rel. Hannah Kon, &c.,  
Appellant,  
v.  
Lynelle Maginley-Liddie, &c.,  
Respondent.

Motion for financial relief granted.

1                    SSD 17  
In the Matter of State of New York ex rel.  
Louis M.,  
                  Appellant,  
          v.  
Maryann Popiel et al.,  
                  Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

4                    Mo. No. 2025-85  
In the Matter of Yanetta S. Mathis,  
                  Respondent,  
          v.  
Ryan L. Robinson,  
                  Appellant.

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

4                    Mo. No. 2025-235  
The People &c.,  
                  Respondent,  
          v.  
Lashawn Miller Henderson,  
                  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                    SSD 18  
In the Matter of Gary H. Moore,  
                  Appellant,  
          v.  
New York State Sentence and Commitment  
Paper, et al.,  
                  Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies to this Court from orders of individual Justices of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

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The People &c. ex rel. Gary H. Moore,  
                  Appellant,  
          v.  
Superintendent of Marcy Correctional  
Facility, et al.,  
                  Respondents.

1                   SSD 19  
In the Matter of Howard Muser, &c.

Estate of J.B.,  
    Appellant,  
A.B.,  
    Appellant,  
    v.  
Howard Muser, et al.,  
    Respondents.  
(App. Div. No. 2023-05051)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1                   SSD 20  
In the Matter of Howard Muser, &c.

Estate of J.B.,  
    Appellant,  
A.B.,  
    Appellant,  
    v.  
Howard Muser, et al.,  
    Respondents.  
(App. Div. No. 2024-02318)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3                   Mo. No. 2025-270  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
    Appellants,  
    v.  
Lester Young Jr., &c., et al.,  
    Respondents.

Motion by Center for Educational Equity at Teachers College, Columbia University for leave to appear amicus curiae on the appeal herein denied (*see* Rules of Ct of Appeals [22 NYCRR] § 500.23 ["Amicus curiae relief will be denied where acceptance of the amicus curiae submission may cause the recusal or disqualification of one or more Judges of the Court"]).  
Judges Garcia and Halligan took no part.

3                    Mo. No. 2025-286  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
                  Appellants,  
          v.  
Lester Young Jr., &c., et al.,  
                  Respondents.

Motion by Young Advocates for Fair Education, Inc.  
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.

4                    Mo. No. 2025-64  
In the Matter of Deron R.  
  
Erie County Department of Social Services,  
                  Respondent;  
Cyncere G.,  
                  Appellant.  
(And Other Proceedings.)  
(App. Div. Nos. CAF 24-00032, CAF 24-  
00035 and CAF 24-00036)

Motion for leave to appeal denied.

1                    Mo. No. 2025-279  
The People &c.,  
                  Respondent,  
          v.  
Savion Robinson,  
                  Appellant.

Motion by National Association of Criminal Defense  
Lawyers 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.

1                    Mo. No. 2025-227  
Veronica SanMiguel, &c. et al.,  
                  Respondents,  
          v.  
Meryl Y. Grimaldi, &c. et al.,  
                  Appellants,  
et al.,  
                  Defendant.

Motion by Defense Association of New York, Inc.  
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.

3                    SSD 16  
Brandon Scaletta,  
    Respondent,  
    v.  
Michels Power, Inc.,  
    Appellant,  
et al.,  
    Defendants.

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.

2                    Mo. No. 2025-163  
U.S. Bank National Association, &c.,  
    Respondent,  
    v.  
Joseph H. Pacifico Jr., &c., et al.,  
    Defendants,  
Dale Robert Javino,  
    Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.  
Motion for a stay dismissed as academic.

2                    SSD 21  
U.S. Bank National Association, &c.,  
    Respondent,  
    v.  
Nicole Lawtone-Bowles,  
    Appellant,  
et al.,  
    Respondent.

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                    Mo. No. 2025-109  
In the Matter of Maverick V.  
  
Erie County Department of Social Services,  
    Respondent;  
Shantelle K.,  
    Appellant.  
(And Another Proceeding.)  
(App. Div. Nos. CAF 22-02017 and CAF 22-02019)

Motion for leave to appeal denied.

1                    Mo. No. 2025-320  
The People &c.,  
    Respondent,  
    v.  
Jason Wright,  
    Appellant.

Motion by Innocence Project, Inc. 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.

1                    Mo. No. 2025-321  
The People &c.,  
    Respondent,  
    v.  
Jason Wright,  
    Appellant.

Motion by American Psychological 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.