

State of New York
Court of Appeals

Decisions

November 20, 2025

CASES

4 No. 127 SSM 7

The People &c.,
 Respondent,

v.

David A. Berry,
 Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order modified by dismissing counts 3, 6, 7 and 8 of the indictment and remitting case to Supreme Court, Monroe County, for resentencing on the remaining counts and, as so modified, affirmed, in a memorandum.

Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

2 No. 84

Oral Clarke, et al.,
 Respondents,

v.

Town of Newburgh, et al.,
 Appellants;

Letitia James, &c.,
 Intervenor-Respondent.

Order affirmed, without costs, and certified question answered in the affirmative.

Opinion by Chief Judge Wilson.

Judges Rivera, Singas, Cannataro, Troutman, Kern and Kennedy concur.

Judges Garcia and Halligan took no part.

3 No. 93

In the Matter of the Claim of Francisca
Garcia,

 Appellant,

v.

WTC Volunteer,
 Respondent.

Workers' Compensation Board,
 Respondent.

Order affirmed, with costs.

Opinion by Judge Garcia.

Chief Judge Wilson and Judges Rivera, Singas, Cannataro, Troutman and Halligan concur.

2 No. 95

The People &c.,
 Respondent,

v.

Derek Sargeant,
 Appellant.

Order affirmed.

Opinion by Judge Troutman.

Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Halligan concur.

MOTIONS

4 Mo. No. 2025-724
In the Matter of David J. Abdoch,
 Respondent,
 v.
Fonda D. Abdoch,
 Respondent.
Alison Bates, Esq., Attorney for the Children,
 Appellant.

Motion by respondent Fonda D. Abdoch for financial relief granted.

4 Mo. No. 2025-441
In the Matter of Charles B.,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal denied.

2 SSD 46
Bank of New York Mellon, &c.,
 Respondent,
 v.
Karen Khan,
 Appellant.
(And Other Matters.)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the orders appealed from do not finally determine an action or proceeding within the meaning of the Constitution.

1 Mo. No. 2025-762
Virginia Beadell et al.,
 Appellants,
 v.
Eros Management Realty LLC, et al.,
 Respondents,
et al.,
 Defendants.

Motion by The Hotel Association of New York City, 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.

3 SSD 47
In the Matter of Buenos Hill Inc.,
 Appellant,
 v.
Saratoga Springs Planning Board et al.,
 Respondents/Defendants,
New York State 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).

1 Mo. No. 2025-328
In the Matter of D.C.,
 Respondent,
 v.
J.J.G.,
 Appellant.

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

2 Mo. No. 2025-394
In the Matter of Clifton C.,
 Respondent,
 v.
Tory P.R.,
 Appellant;
Jayia R.,
 Nonparty-Respondent.

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

4 Mo. No. 2025-357
In the Matter of Candace Cathcart,
 Respondent,
 v.
Cania Williams,
 Respondent,
Dashawn Cunningham,
 Appellant.

Motion for leave to appeal denied.

3 SSD 45
The People &c.,
 Respondent,
 v.
Brandon Craddock,
 Appellant.

Appeal dismissed, by the Court sua sponte, upon the ground that the modification by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to . . . modification" (CPL 450.90 [2] [a]).

3 Mo. No. 2025-518
In the Matter of Jaylin'J E., &c.

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

Broome County Department of Social
Services,
 Respondent;
Charlotte D.,
 Appellant.

 Mo. No. 2025-791
The People &c.,
 Respondent,
 v.
David Ehinmiakhena,
 Appellant.

Motion by NAACP Legal Defense and Education Fund 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. 2025-725
The People &c.,
 Respondent,
 v.
Errick Guerrero,
 Appellant.

Motion by Joseph R. Lentol for leave to file a brief amicus curiae on the appeal herein denied.

4 Mo. No. 2025-792
The People &c.,
 Respondent,
 v.
Errick Guerrero,
 Appellant.

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.

4 Mo. No. 2025-372
In the Matter of Benjamin H., et al.

Erie County Department of Social Services,
Respondent;
Ermal H.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-469
In the Matter of Kristin Marie Hornedo,
Respondent,
v.
Adam Jacob Alfonzo,
Appellant.
(App. Div. Nos. 2024-08756 and 2024-
09656)

Motion for leave to appeal denied.

4 Mo. No. 2025-448
In the Matter of Sky F.-M. J.

Monroe County Department of Human
Services,
Respondent;
Angelica J.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-732
The People &c.,
Respondent,
v.
Anton Kelley,
Appellant.

Motion for assignment of counsel granted and Philip
Rothschild, Esq., Hiscock Legal Aid Society, 351
South Warren Street, Syracuse, NY 13202 assigned
as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-390
In the Matter of Arielle L., et al.

Erie County Department of Social Services,
Respondent;
Cassandra B.,
Appellant.

Motion for leave to appeal dismissed upon the
ground that no appeal lies from an Appellate
Division order dismissing an appeal from an order
entered upon default (*see* CPLR 5511).

4 Mo. No. 2025-391
In the Matter of Arielle L., &c.

Erie County Department of Social Services,
Respondent;
Cassandra B.,
Appellant.
(And Two Other Proceedings.)
(App. Div. Nos. CAF 24-00915, CAF 24-
00918, and CAF 24-00919)

Motion for leave to appeal denied.

4 Mo. No. 2025-212
In the Matter of Aerielle M.

Erie County Department of Social Services,
Respondent;
Ashaley C.,
Appellant.
(And Another Proceeding.)
(App. Div. Nos. CAF 23-00784 and CAF 23-
00785)

Motion for leave to appeal denied.

2 Mo. No. 2025-538
In the Matter of Zaria P.

Administration for Children's Services,
Respondent;
Sade G.,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-763
The People &c.,
Respondent,
v.
Naim Roper,
Appellant.

Motion by The Bronx Defenders 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.

4 Mo. No. 2025-468
In the Matter of Albert S. et al.

Erie County Department of Social Services,
Respondent;
Albert S.,
Appellant,
et al.,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-475
In the Matter of Albert S. et al.

Erie County Department of Social Services,
Respondent;
Albert S.,
Respondent,
Cheryl Z.,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-729

The People &c.,
Respondent,
v.
Jonathan Spinks,
Appellant.
(Indictment No. 2021-0046)

Motion for assignment of counsel granted and
Bradley E. Keem, Esq., c/o Keem Appeals, PLLC,
333 East Onondaga Street, Suite 301, Syracuse, NY
13202 assigned as counsel to the appellant on the
appeal herein.

The People &c.,
Respondent,
v.
Jonathan Spinks,
Appellant.
(Indictment No. 2020-0365A)

4 Mo. No. 2025-749

The People &c.,
Appellant,
v.
Hannah T.,
Respondent.

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 respondent on the appeal
herein.

4 Mo. No. 2025-562
The People &c. ex rel. Tina Lynne Wagoner,
 Appellant,
 v.
County of Cattaraugus, County Court, J.
Ploetz,
 Respondent.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no appeal lies from an order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

Motion for leave to appeal dismissed upon the ground that no appeal lies from an order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5602).

Motion for financial relief dismissed as academic.