

State of New York
Court of Appeals

Decisions

October 16, 2025

CASES

2 No. 52
The People &c. ex rel. Peter A. Barta, on
behalf of Shyheid Gibson,
 Appellant,
 v.
Louis A. Molina, &c.,
 Respondent.

Judgment affirmed, without costs. The Appellate Division did not abuse its discretion in dismissing as moot so much of the petition as sought defendant's immediate release. Insofar as the petition sought other relief, the petition is now moot, and we decline to apply the mootness exception. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

4 No. 77
The People &c.,
 Appellant,
 v.
Dino J. Callara,
 Respondent.

Order affirmed.
Opinion by Judge Troutman.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Halligan concur.

4 No. 71
The People &c.,
 Respondent,
 v.
James Everson,
 Appellant.

Order affirmed.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Troutman and Halligan concur.

3 No. 82
The People &c.,
 Respondent,
 v.
Arthur H. Morgan Jr.,
 Appellant.

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

4 No. 66
County of Onondaga, et al.,
 Appellants,
 v.
State of New York, et al.,
 Respondents,
et al.,
 Defendant.
(And Other Actions.)

Order affirmed, without costs.
Opinion by Judge Garcia.
Chief Judge Wilson and Judges Rivera, Singas,
Cannataro, Troutman and Halligan concur.

 No. 126
David Walton, &c. et al.,
 Appellants,
 v.
Comfort Systems USA (Syracuse), Inc., &c.,
 Respondent.

Certification of questions by the United States Court
of Appeals for the Second Circuit, pursuant to section
500.27 of this Court's Rules of Practice, accepted and
the issues presented are to be considered after
briefing and argument.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

4 Mo. No. 2025-687
The People &c.,
Respondent,
v.
Ricardo Casiano,
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.

2 SSD 44
The People &c. ex rel. Peter Centeno,
Appellant,
v.
Anne T. Donnelly, &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 judgment of the Appellate Division absent the direct involvement of a substantial constitutional question.

1 Mo. No. 2025-690
The People &c.,
Respondent,
v.
David Ekukpe,
Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.

4 Mo. No. 2025-716
The People &c.,
Respondent,
v.
Terry Everson,
Appellant.
(Indictment No. 2021-0862-1)

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.

The People &c.,
Respondent,
v.
Terry J. Everson,
Appellant.
(Indictment No. 2022-0011-1)

4 Mo. No. 2025-722
The People &c.,
Respondent,
v.
Errick Guerrero,
Appellant.

Motion by The Bronx Defenders, 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.

4 Mo. No. 2025-375
In the Matter of Robert H.,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

4 SSD 41
Leroy Johnson,
Appellant,
v.
State of New York,
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.

2 Mo. No. 2025-257
In the Matter of Ester K.

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

Administration for Children's Services,
Respondent;
Marina U.,
Appellant.

4 Mo. No. 2025-314
In the Matter of Nedia M.,
Respondent,
v.
Ashley M.,
Appellant,
Gregory M.,
Respondent.

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

(And Another Proceeding.)
(App. Div. Nos. CAF 23-02093 and CAF 23-02095)

2 SSD 43
Nella Manko,
 Appellant,
 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.
Chief Judge Wilson took no part.

3 Mo. No. 2025-705
The People &c.,
 Appellant,
 v.
Darnell M. Martin,
 Respondent.

Motion for assignment of counsel granted and Adam G. Parisi, Esq., 650 Franklin Avenue, Suite 502, Schenectady, NY 12305 assigned as counsel to the respondent on the appeal herein.

1 Mo. No. 2025-278
In the Matter of Moshe Chaim Panzer,
 Appellant,
 v.
Joel Epstein,
 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.
Motion for a stay dismissed as academic.

1 Mo. No. 2025-71
Quik Park West 57 LLC, et al.,
 Respondents,
 v.
Bridgewater Operating Corporation,
 Appellant.

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

2 Mo. No. 2025-696
In the Matter of James C. Russell,
 Respondent,
 v.
Town of Mount Pleasant, New York,
 Appellant.

Motion by Coalition for Open Government, 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 Mo. No. 2025-87
In the Matter of the Claim of Katherine
Shmulsky,
 Appellant,
 v.
Hudson Headwaters Health Network, Inc. et
al.,
 Respondents.
Workers' Compensation Board,
 Respondent.

Motion for leave to appeal denied.

1 SSD 42
David Solomon,
 Appellant,
 v.
Amazon.com, Inc., et al.,
 Respondents,
et al.,
 Defendants.

Appeal, insofar as taken from that portion of the Appellate Division order that affirmed the September 2022 Supreme Court order, dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved; appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that it does not lie.

2 Mo. No. 2025-456
In the Matter of Edwin Soto,
 Appellant,
 v.
Liza Beth Katz,
 Respondent.
(And Another Proceeding.)

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

4 Mo. No. 2025-387
In the Matter of Aubrey M.T., et al.

Jefferson County Department of Social
Services,
 Respondent;
Scott W.T., Jr.,
 Appellant.

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

1 Mo. No. 2025-413
Mmaselemo Veronica Tsuari,
 Respondent,
 v.
Larry Charles Miller,
 Appellant.

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.
Motion for a stay dismissed as academic.
Motion for ancillary relief denied.

2 SSD 40
U.S. Bank National Association, &c.,
 Respondent,
 v.
Joseph H. Pacifico Jr., &c., et al.,
 Defendants,
Dale Robert Javino,
 Appellant.

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. 2025-425
In the Matter of Chandler W.

Erie County Department of Social Services,
 Respondent;
Caitlyn M.,
 Appellant.
(And Another Proceeding.)
(App. Div. Nos. CAF 23-01677 and CAF 23-01678)

Motion for leave to appeal denied.

3 Mo. No. 2025-438
In the Matter of Joseph XX.,
 Respondent,
 v.
Jah-Rai YY.,
 Appellant.
(And Six Other Related Proceedings.)

Motion for reargument of motion for leave to appeal denied.

4 Mo. No. 2025-417
In the Matter of Salvatore Y.

Motion for leave to appeal denied.

Erie County Department of Social Services,
 Respondent;
Chandel Y.,
 Appellant.
(And Another Proceeding.)
(App. Div. Nos. CAF 23-01102 and CAF 23-
01108)