

State of New York
Court of Appeals

Decisions

April 16, 2026

CASES

No. 67

In the Matter of the Hon. Walter W. Jones, a
Justice of the Canandaigua Town Court,
Ontario County.

Walter W. Jones,
Petitioner;
New York State Commission on Judicial
Conduct,
Respondent.

On the Court's own motion, it is determined that
Honorable Walter W. Jones is suspended with pay,
effective immediately, from the office of Justice of
the Canandaigua Town Court, Ontario County,
pursuant to New York Constitution, article VI, § 22
and Judiciary Law § 44 (8), pending review of a
determination of the State Commission on Judicial
Conduct.

Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera took no part.

2 No. 65 SSM 8

Mega Beverage Redemption Center, Inc.,
Appellant,
v.
City of Mount Vernon,
Respondent.

On review of submissions pursuant to section 500.11
of the Rules (22 NYCRR 500.11), order affirmed,
with costs, and judgment absolute dismissing the
complaint granted upon plaintiff's stipulation.
Plaintiff has failed to demonstrate that its appeal to
the Appellate Division did not present questions of
fact, and the Appellate Division did not recite "either
that the questions of fact have not been considered or
that the court has considered the questions of fact and
has determined that it would not grant a new trial or
hearing upon those questions," as specified in CPLR
5615 (*see* Arthur Karger, Powers of the New York
Court of Appeals, § 8:10, at 278-279 [3d ed rev
2005]). Therefore, this Court is bound to affirm and
render judgment absolute (*see* CPLR 5615).

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

2 No. 28
The People &c.,
 Respondent,
 v.
Miguel Angel Palacios,
 Appellant.

 No. 66
Angelica Parker,
 Appellant,
 v.
Tal Alexander, et al.,
 Respondents.

Order reversed, defendant's motion to suppress statement evidence granted and case remitted to Supreme Court, Queens County, for further proceedings on the indictment.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Troutman concur.

Certification of question 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 issue presented is to be considered after briefing and argument.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

1 SSD 11
938 St. Nicholas Avenue Lender LLC,
 Plaintiff,
 v.
936-938 Cliffcrest Housing Development
Fund Corporation, et al.,
 Defendants.

936-938 Cliffcrest Housing Development
Fund Corporation,
 Third-Party Appellant,
 v.
The Wavecrest Management Team Ltd., et
al.,
 Third-Party Defendants,
Department of Housing Preservation and
Development of the City of New York,
 Third-Party Respondent.

4 Mo. No. 2025-777
In the Matter of Omariana A.

Erie County Department of Social Services,
 Respondent;
Omar A.,
 Appellant.

3 Mo. No. 2025-793
In the Matter of Carlo A.,
 Respondent,
 v.
Pamela B.,
 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.

Motion for leave to appeal denied.

Motion for leave to appeal denied.

4 Mo. No. 2025-843
In the Matter of Aaliyah A.

Erie County Department of Social Services,
Respondent;
Ricky A.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-795
The People &c. ex rel. Derrick Bonds,
Appellant,
v.
Anthony J. Larocco, &c.,
Respondent.

Motion for leave to appeal denied.
Motion for ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (*see* NY Const, art VI, § 3).

3 Mo. No. 2025-682
In the Matter of Byron K. Brown,
Appellant,
v.
New York State DOCCS, Executive
Clemency Bureau,
Respondent.

On the Court's own motion, appeal dismissed,
without costs, 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).
Motion for financial relief dismissed as academic.

2 Mo. No. 2025-704
In the Matter of George L. Castellanos,
Appellant,
v.
New York City Employees' Retirement
System et al.,
Respondents.

On the Court's own motion, appeal dismissed,
without costs, 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).
Motion for leave to appeal denied.

2 Mo. No. 2025-674
Michael Currid,
Appellant,
v.
City of New York, et al.,
Respondents,
et al.,
Defendants.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

3 Mo. No. 2025-823
In the Matter of Joenathan E.,
 Appellant,
 v.
Jennifer F.,
 Respondent.

Motion for leave to appeal denied.

 Mo. No. 2026-229
The People &c.,
 Respondent,
 v.
Mohammed Jawad,
 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.

1 Mo. No. 2025-783
In the Matter of Peter K.,
 Appellant,
 v.
Mayumi M.,
 Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-866
In the Matter of Osirus K.

Erie County Department of Social Services,
 Respondent;
Horace W.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-766
In the Matter of Whitney Leonard,
 Respondent,
 v.
Erica Davis,
 Appellant.

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

4 Mo. No. 2025-755
In the Matter of Lara L.M.,
 Respondent,
 v.
Trina L.C.,
 Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2026-162
In the Matter of a Proceeding for Custody
and/or Visitation Pursuant to Article 6 of the
Family Court Act.

Van D.M.,
 Respondent,
 v.
Brendalis R.,
 Appellant.

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.

1 Mo. No. 2026-219
In the Matter of State of New York ex rel.
Louis M.,
 Appellant,
 v.
Maryann Popiel et al.,
 Respondents.

Motion by Disability Rights New York for leave to
file a brief amicus curiae on the appeal herein denied
(*see* Rules of Ct of Appeals [22 NYCRR] § 500.23
[a] [1] [ii] ["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"])).
Judge Rivera took no part.

1 Mo. No. 2026-222
In the Matter of State of New York ex rel.
Louis M.,
 Appellant,
 v.
Maryann Popiel et al.,
 Respondents.

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.

1 Mo. No. 2026-225
In the Matter of State of New York ex rel.
Louis M.,
 Appellant,
 v.
Maryann Popiel et al.,
 Respondents.

Motion by Maureen D. Martino 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. 2026-227
In the Matter of State of New York ex rel.
Louis M.,
 Appellant,
 v.
Maryann Popiel et al.,
 Respondents.

Motion by Nonhuman Rights Project, 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.

1 Mo. No. 2026-182
Elizabeth Mann, &c.,
 Appellant,
 v.
Mezuyon, LLC,
 Respondent,
et al.,
 Defendant.
Mayrich Construction Corp.,
 Third-Party Respondent.

Motion by New York State Trial Lawyers Association for leave to file a brief amicus curiae on the appeal herein dismissed as untimely (*see* Rules of Ct of Appeals [22 NYCRR] § 500.23 [a] [2] [ii]).

2 Mo. No. 2026-203
The People &c.,
 Respondent,
 v.
Keston Mayers,
 Appellant.

Motion for assignment of counsel granted and N. Scott Banks, Esq., Legal Aid Society of Nassau County, 40 Main Street, 3rd Floor, Hempstead, NY 11550 assigned as counsel to the appellant on the appeal herein.
Judge Singas took no part.

2 SSD 12
In the Matter of Warren McDowell,
Appellant,
v.
Blue Point Fire Department,
Respondent.

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 (*see* CPLR 5601).

4 Mo. No. 2025-737
In the Matter of Tracy L. Moses,
Respondent,
v.
India S. McFarland,
Appellant,
Markeef Royal,
Respondent.

Motion for leave to appeal denied.

4 Mo. No. 2025-774
In the Matter of Tracy L. Moses,
Respondent,
v.
India S. McFarland,
Respondent,
Markeef Royal,
Appellant.

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

3 Mo. No. 2026-73
In the Matter of Michael O.,
Respondent,
v.
Victoria P.,
Appellant.

Motion for reargument of motion for leave to appeal denied.

Motion for financial relief dismissed as academic.

1 Mo. No. 2026-223
The People &c.,
Respondent,
v.
Robert Ortiz,
Appellant.

Motion for assignment of counsel granted and Caprice R. Jenerson, Esq., Office of the Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2026-209
The People &c.,
 Respondent,
 v.
J.P.,
 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.

2 Mo. No. 2026-178
The People &c.,
 Respondent,
 v.
Fernando Poncedeleon,
 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.

2 Mo. No. 2025-670
In the Matter of Howard Prince, &c.

Marie Santoro Prince,
 Respondent;
David Marc Prince,
 Appellant.

On the Court's own motion, appeal dismissed, without costs, 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). Motion for leave to appeal denied.

 Mo. No. 2026-241
SeanPaul Reyes,
 Respondent,
 v.
City of New York,
 Appellant.

Motion by New York City Bar Association for leave to file a brief amicus curiae on consideration of the certified question 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.

 Mo. No. 2026-242
SeanPaul Reyes,
 Respondent,
 v.
City of New York,
 Appellant.

Motion by New York Civil Liberties Union for leave to file a brief amicus curiae on consideration of the certified question 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.

Mo. No. 2026-258

SeanPaul Reyes,
Respondent,
v.
City of New York,
Appellant.

Motion by The Legal Aid Society for leave to appear amicus curiae on consideration of the certified question 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 SSD 13
George M. Rich Jr. et al.,
Respondents,

v.
J.A. Madison, LLC,
Defendant,
Jonathan Adler Enterprises, LLC,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the two-Justice dissent at the Appellate Division is not on a question of law (*see* CPLR 5601 [a]).

Mo. No. 2026-205

The People &c.,
Respondent,
v.
Andres Santos Santos,
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.

2 Mo. No. 2025-564

In the Matter of Brian Smith,
Appellant,
v.
New York City Fire Department, et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2025-905
In the Matter of Steuben County Department
of Social Services, &c.,
Respondent,

v.
Bryon J. Schwartz,
Appellant.

Motion for leave to appeal denied.

Mo. No. 2026-188

David Walton, &c. et al.,
Appellants,
v.
Comfort Systems USA (Syracuse), Inc., &c.,
Respondent.

Motion by City of New York for leave to file a brief amicus curiae on consideration of the certified questions 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.

Mo. No. 2026-190

David Walton, &c. et al.,
Appellants,
v.
Comfort Systems USA (Syracuse), Inc., &c.,
Respondent.

Motion by New York City & Vicinity District Council of Carpenters et al. for leave to file a brief amici curiae on consideration of the certified questions 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.

Mo. No. 2026-191

David Walton, &c. et al.,
Appellants,
v.
Comfort Systems USA (Syracuse), Inc., &c.,
Respondent.

Motion by New York State Building and Construction Trades Council, AFL-CIO et al. for leave to appear amici curiae on consideration of the certified questions herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Mo. No. 2026-192

David Walton, &c. et al.,
Appellants,
v.
Comfort Systems USA (Syracuse), Inc., &c.,
Respondent.

Motion by International Union of Elevator Constructors Local Union Number One for leave to file a brief amicus curiae on consideration of the certified questions 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.

Mo. No. 2026-243

David Walton, &c. et al.,

Appellants,

v.

Comfort Systems USA (Syracuse), Inc., &c.,

Respondent.

Motion by New York State Department of Labor for leave to appear amicus curiae on consideration of the certified questions 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.