

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

**Decisions**

April 23, 2026

**CASES**

No. 35

The People &c.,  
Respondent,  
v.  
Warren Burgess,  
Appellant.

Order reversed, defendant's guilty plea vacated and case remitted to Criminal Court of the City of New York, Bronx County, for further proceedings on the accusatory instrument.  
Opinion by Judge Halligan.  
Judges Garcia, Singas, Cannataro and Troutman concur.  
Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

2                    No. 34

The People &c.,  
Respondent,  
v.  
N.H.,  
Appellant.

Order reversed and case remitted to Supreme Court, Kings County, for further proceedings in accordance with the opinion herein.  
Opinion by Judge Rivera.  
Chief Judge Wilson and Judge Troutman concur.  
Judge Halligan concurs in result in an opinion.  
Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

1                    No. 30

Second Child et al.,  
Appellants,  
v.  
Edge Auto, Inc. et al.,  
Respondents.

Order affirmed, with costs, and certified question answered in the affirmative.  
Opinion by Judge Singas.  
Judges Rivera, Garcia and Cannataro concur.  
Chief Judge Wilson dissents in an opinion, in which Judges Troutman and Halligan concur.

3                    No. 27

In the Matter of Chester Smith, et al.,  
Respondents,  
v.  
Town of Thompson Planning Board et al.,  
Appellants.

Order reversed, with costs, and judgment of Supreme Court, Sullivan County, reinstated, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

1 Mo. No. 2025-767  
The People &c.,  
Respondent,  
v.  
Jose Alvarado,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-801  
Angela Baldo,  
Appellant,  
v.  
John M. McDonald, et al.,  
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2025-745  
The People &c.,  
Respondent,  
v.  
Donald Brown,  
Appellant.

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

1 Mo. No. 2025-760  
The People &c.,  
Respondent,  
v.  
Alvin Brown,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2026-2  
Deutsche Bank Trust Company Americas,  
&c.,  
Respondent,  
v.  
Robert S. Schultz et al.,  
Appellants,  
et al.,  
Defendants.

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.

4                    Mo. No. 2026-87  
Tracy A. English, III,  
    Appellant,  
    v.  
Brandon M. Brady et al.,  
    Respondents,  
et al.,  
    Defendants.

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.

2                    Mo. No. 2025-776  
The People &c.,  
    Respondent,  
    v.  
James Fink,  
    Appellant.

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

1                    Mo. No. 2025-775  
In the Matter of Joseph Garcia,  
    Appellant,  
    v.  
Ruth Pickholz, &c.,  
    Respondent.

Motion for reargument of motion for leave to appeal denied.

                      Mo. No. 2026-74  
Helen Gardner,  
    Appellant,  
    v.  
GoDaddy.Com, LLC,  
    Respondent.

Motion for leave to appeal dismissed upon the ground that this Court does not have jurisdiction to entertain the motion from the order of the Appellate Term (*see* CPLR 5602 [a]).

1                    Mo. No. 2025-761  
In the Matter of Jefferies LLC et al.,  
    Respondents,  
    v.  
IsZo Capital LP et al.,  
    Appellants,  
et al.,  
    Respondent.

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

2 Mo. No. 2025-750

Jean V. Laine, &c.,  
Appellant,

v.

Empire HealthChoice Assurance, Inc., &c.,  
Respondent.

Motion, insofar as it seeks leave to appeal from the September 2025 Appellate Division order denying reargument, dismissed upon the ground that such order does not finally determine the action within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from the January 2025 Appellate Division order of affirmance, dismissed for failure to demonstrate timeliness as required by Rules of the Court of Appeals (*see* Rules of Ct of Appeals [22 NYCRR] § 500.22 [b] [2]).

4 Mo. No. 2025-805

Gary J. Lavine,  
Appellant,

v.

Rita M. Glavin,  
Respondent.

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.

1 Mo. No. 2025-889

Leila McCann,  
Respondent,

v.

Ship Wrecked Bar and Grill, Inc., &c. et al.,  
Appellants.

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.

2 Mo. No. 2025-772

The People &c.,  
Respondent,

v.

Feliciano Perez,  
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2026-163  
Woodrow Preacely,  
Appellant,  
v.  
New York City Housing Authority,  
Respondent.

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

3 Mo. No. 2026-53  
In the Matter of Perry S. Reich, &c.,  
Appellant;  
Attorney Grievance Committee for the Third  
Judicial Department,  
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.

1 Mo. No. 2025-798  
Samsung Electronics Co., Ltd.,  
Respondent,  
v.  
MPEG LA, L.L.C.,  
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.

1 Mo. No. 2025-769  
The People &c.,  
Respondent,  
v.  
Willie Santos,  
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-828  
The People &c.,  
Respondent,  
v.  
Yefersonjose Saraviahernandez,  
Appellant.

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

4 Mo. No. 2026-25  
In the Matter of Ram Srinivasan,  
Appellant,  
v.  
New York State Office of Victim Services,  
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 financial relief dismissed as academic.

1 Mo. No. 2026-16  
John Stafford, et al.,  
Respondents,  
v.  
A&E Real Estate Holdings, LLC et al.,  
Appellants.

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.

4 Mo. No. 2025-759  
The People &c.,  
Respondent,  
v.  
Lamont Terry,  
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-758  
In the Matter of Altonio Warren,  
Appellant,  
v.  
Department of Corrections and Community  
Supervision et al.,  
Respondents.

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

1 Mo. No. 2025-764  
WDF, Inc.,  
Appellant,  
v.  
City of New York (AWT2 Carbon Addition  
Facilities Project),  
Respondent.

Motion for leave to appeal denied.

4                    Mo. No. 2025-855  
Thomas C. Wilmot, Sr., et al.,  
    Respondents,  
    v.  
Tony Kirik,  
    Appellant,  
et al.,  
    Defendant.

Motion for reargument of motion for leave to appeal  
denied.