

State of New York
Court of Appeals

Decisions

March 17, 2026

CASES

3 No. 16
The People &c.,
 Respondent,
 v.
Donald Bender,
 Appellant.

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

4 No. 22
The People &c.,
 Respondent,
 v.
Eugene Curry,
 Appellant.

Order reversed and judgment of County Court,
Monroe County, vacated.
Opinion by Chief Judge Wilson.
Judges Rivera, Garcia, Singas, Cannataro, Troutman
and Halligan concur.

4 No. 18
The People &c.,
 Respondent,
 v.
Luke J. Gaffney,
 Appellant.

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

3 No. 15
In the Matter of the Claim of Wilfredo
Gonzalez,
 Claimant,
 v.
Northeast Parent & Child Society et al.,
 Respondents.
Workers' Compensation Board,
 Respondent.
Law Firm of Alex Dell, PLLC,
 Appellant.

Order insofar as appealed from affirmed, with costs.
Opinion by Judge Rivera.
Judges Garcia, Singas, Cannataro and Halligan
concur.
Chief Judge Wilson dissents in an opinion, in which
Judge Troutman concurs.

4 No. 20
The People &c.,
 Respondent,
 v.
Joseph C. Jones,
 Appellant.

Order reversed, defendant's motion to suppress granted and indictment dismissed.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Rivera and Troutman concur.
Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

4 No. 19
The People &c.,
 Appellant,
 v.
Kenneth Tyson,
 Respondent.

Order reversed, defendant's motion to dismiss the indictment denied and case remitted to County Court, Erie County, for further proceedings on the indictment.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Garcia, Singas and Halligan concur.
Judge Rivera dissents and votes to affirm in an opinion, in which Judge Troutman concurs.

MOTIONS

1 Mo. No. 2025-534
In the Matter of 738 East 6th Owner (DE)
LLC,
 Appellant,
 v.
New York City Department of Housing
Preservation and Development,
 Respondent.
(And Other Proceedings.)

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

2 Mo. No. 2025-632
Angelic Real Estate, LLC,
 Appellant,
 v.
Aurora Properties, LLC,
 Respondent.

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

1 Mo. No. 2025-620
Nachum Borek,
 Appellant,
 v.
Stuart Seidman,
 Defendant,
Elizabeth Sublette, et al.,
 Respondents.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as dismissed plaintiff's appeal from the February 16, 2023 Supreme Court order, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2025-621
The People &c.,
 Respondent,
 v.
Wilton Calderon,
 Appellant.

Motion for leave to appeal denied.

3 SSD 9
In the Matter of Kenneth John Chesebro, &c.

Kenneth John Chesebro,
 Appellant;
Attorney Grievance Committee for the Third
Judicial Department,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved, and Judiciary Law § 90 (8) does not provide an independent predicate for an appeal as of right to this Court (*see Matter of Brandes, appeal dismissed* 21 NY3d 895 [2013]).

4 Mo. No. 2025-657
Genesee County, et al.,
 Appellants,
 v.
New York State, et al.,
 Respondents.

Motion for leave to appeal denied.

3 Mo. No. 2025-610
Genesis Financial, Inc.,
 Appellant,
 v.
Commonwealth Land Title Insurance
Company,
 Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2025-656
M.K.,
 Respondent,
 v.
State of New York,
 Appellant.

Motion for leave to appeal denied.

1 SSD 10
Ileana Martinez, et al.,
 Appellants,
 v.
City of New York,
 Respondent.

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

3 Mo. No. 2025-523
In the Matter of McLaughlins Manufactured
Home Moving, by and through Bettie
McLaughlin,
Appellant,
v.
Department of State Division of Building
Standards and Codes Office of Administrative
Hearing et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.
Motion for ancillary relief dismissed upon the
ground that this Court does not have jurisdiction to
entertain it (*see* NY Const, art VI, § 3).

4 SSD 7
Donald F. Murray,
Appellant,
v.
National Collegiate Athletic Association,
Respondent.
(App. Div. No. CA 23-01483)

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

4 SSD 8
Donald F. Murray,
Appellant,
v.
National Collegiate Athletic Association,
Respondent.
(App. Div. No. CA 24-00796)

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

1 Mo. No. 2025-501
S.S., et al.,
Appellants,
v.
Rockefeller University Hospital,
Respondent.

Motion for leave to appeal denied.

3 Mo. No. 2025-641
Gurmeet Singh,
Appellant,
v.
State of New York,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2025-481
Frank Tumminia, as Proposed Executor of the
Estate of Joan Tumminia,
 Respondent,
 v.
Staten Island University Hospital,
 Respondent,
Silver Lake Specialized Rehabilitation and
Care Center, LLC,
 Appellant.

Motion for leave to appeal denied. The Court takes this occasion to restate the rule that denial of a motion for leave to appeal is not equivalent to an affirmance and has no precedential value (*see Matter of Marchant v Mead-Morrison Mfg. Co.*, 252 NY 284, 297-298 [1929]).

2 Mo. No. 2025-507
Frank Tumminia, as Proposed Executor of the
Estate of Joan Tumminia,
 Respondent,
 v.
Staten Island University Hospital,
 Appellant,
Silver Lake Specialized Rehabilitation and
Care Center, LLC,
 Respondent.

Motion for leave to appeal denied. The Court takes this occasion to restate the rule that denial of a motion for leave to appeal is not equivalent to an affirmance and has no precedential value (*see Matter of Marchant v Mead-Morrison Mfg. Co.*, 252 NY 284, 297-298 [1929]).

4 Mo. No. 2025-666
In the Matter of Michael T. Waterhouse,
 Appellant,
 v.
Michael L. Dollinger, &c.,
 Respondent.

Motion, insofar as it seeks leave to appeal from the May 2025 Appellate Division order, dismissed upon the ground that such order does not finally determine the proceeding within the meaning of the Constitution; motion, insofar as it seeks leave to appeal from respondent's May 2024 and August 2024 determinations, dismissed upon the ground that it does not lie (*see CPLR 5602 [a]*); motion for leave to appeal otherwise denied.