



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

April 14, 2023 through April 20, 2023

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

COLT v NEW JERSEY TRANSIT:

1st Dept. App. Div. order of 5/24/22; affirmance; leave to appeal granted by the Appellate Division 3/30/23;

State—Sovereign Immunity—Whether defendants were immune from suit in New York under the doctrine of sovereign immunity;

Supreme Court, New York County, denied defendants' motion to dismiss the action; App. Div., with two Justices dissenting, affirmed.

FISHER (KENNETH E.), PEOPLE v:

3rd Dept. App. Div. order of 1/19/23; affirmance; leave to appeal granted by Rivera, J., 4/3/23;

Crimes—Jurors—Whether the trial court properly denied defendant's motion for a

mistrial under CPL 270.35 when a juror indicated she believed defendant may have followed her home during jury selection and other jurors feared for their safety; whether the court conducted a sufficient inquiry of the juror under People v Buford (69 NY2d 290 [1987]).;

County Court, Chemung County, upon a verdict convicting defendant of the crime of criminal sale of a controlled substance in the third degree (three counts); App. Div. with two Justices dissenting in part, affirmed.