



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 18, 2025 through April 24, 2025

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.

PEOPLE v AMBROSIO (JASON J.):

APL-2025-00072

3rd Dept. App. Div. order of 2/27/25; affirmance; leave to appeal granted by Lynch, J., 4/7/25;

Crimes—Right to Counsel—Whether trial counsel was ineffective for, among other things, failing to request a jury instruction defining “impairment” under Vehicle and Traffic Law § 1192 (4); whether the judgment of conviction was supported by legally sufficient evidence;

County Court, Clinton County, upon a jury verdict convicting defendant of the crimes of driving while ability impaired by the combined influence of drugs and driving while ability impaired by drugs; County Court, Clinton County, revoked defendant's

probation and imposed a sentence of imprisonment; App. Div. with one Justice dissenting in part, affirmed.

PEOPLE v GUERRERO (ERRICK):

APL-2025-00069

4th Dept. App. Div. order of 2/7/25; affirmance; leave to appeal granted by Montour, J., 4/1/25;

Crimes—Adolescent Offenders—Raise the Age—Whether the trial court abused its discretion in granting the People’s motion under CPL 722.23(1)(b) based on the existence of “extraordinary circumstances” to prevent removal of defendant’s case to Family Court;

County Court, Onondaga County, convicted defendant, upon a jury verdict, of burglary in the first degree (two counts) and robbery in the first degree; App. Div., with one Justice dissenting, affirmed.

MATTER OF K.Y.Z.:

APL-2025-00071

1st Dept. App. Div. order of 6/25/24; affirmance; leave to appeal granted by the Court of Appeals, 4/10/25;

Parent, Child and Family—Termination of Parental Rights—Whether agency made diligent efforts to encourage and strengthen parental relationship where a language barrier existed between parent and agency staff;

Family Court, New York County, upon findings that father permanently neglected the subject child and that respondent mother was unable to care for the subject child presently and for the foreseeable future due to mental illness, terminated respondents’ parental rights to the subject child and transferred the child’s care and custody to petitioner agency and the Commissioner of Social Services of the City of New York for the purpose of adoption; App. Div. affirmed.

QUINONES GARCIA v MONADNOCK CONSTRUCTION:

APL-2025-00074

1st Dept. App. Div. order of 1/9/25; reversal; leave to appeal granted by the Appellate Division on a certified question, 4/10/25;

Statutes—Retroactive Application of Statute—Whether Justice for Injured Workers Act (L 2022, ch 835), which generally bars courts from giving collateral estoppel effect to findings and decisions by workers’ compensation law judges and the Workers’ Compensation Board, applies retroactively;

Supreme Court, Bronx County, granted defendants’ motion for leave to amend their answer to assert the affirmative defense of collateral estoppel and, upon amendment, for partial summary judgment dismissing plaintiff’s claims of injury to his cervical and lumbar spine; App. Div. reversed and denied the motion.