



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

July 18, 2025 through July 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.

CURRY v STATE OF NEW YORK:

APL-2025-00132

3rd Dept. App. Div. order of 6/5/25; affirmance; sua sponte examination of whether any basis exists for an appeal as of right;

State—Claim against State—Permission to File Late Claim—Whether claimant's application for permission to file a late claim was properly denied;

Court of Claims, denied claimant's application under Court of Claims Act § 10(6) for permission to file a late claim; App. Div. affirmed.

PEOPLE v FERNANDEZ (ANDRE):

APL-2025-00133

1st Dept. App. Div. order of 3/18/25; affirmance; leave to appeal granted by Rivera, J., 7/2/25;

Crimes—Right to Counsel—Effective Representation—Whether defendant was denied the effective assistance of counsel by trial counsel’s failure to investigate defendant’s mental health and substance abuse history in connection with a challenge to the voluntariness of defendant’s statements to the police;

Supreme Court, Bronx County, convicted defendant, after a jury trial, of two counts of murder in the second degree, and sentenced him to consecutive prison terms of 25 years to life, and order, same court, entered on or about December 21, 2021, which denied his CPL 440.10 motion to vacate the judgment; App. Div. affirmed.