



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

August 1, 2025 through August 7, 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.

BECKER v UNITED CEREBRAL PALSY:

APL-2025-00142

3rd Dept. App. Div. order of 7/3/25; denial of motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;
Motions and Orders—Whether the Appellate Division properly denied appellant's motion for reconsideration; Alleged constitutional violations;
App. Div. denied motion for reconsideration.

PEOPLE ex rel. CENTENO v DONNELLY:

APL-2025-00149

2nd Dept. App. Div. order of 6/30/25; denied application; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Habeas Corpus—Whether petitioner’s application for a writ of habeas corpus was properly denied;

App. Div. granted branch of application for a waiver of costs, fees, and expenses, and denied branch of application for a writ of habeas corpus.

MATTER OF B.F.:

APL-2025-00140

1st Dept. App. Div. order of 6/5/25; affirmance; sua sponte examination of whether the appeal is moot and whether "there is a dissent by at least two justices on a question of law in favor of the party taking the appeal" (CPLR 5601 [a]);

Parent and Child—Abused or Neglected Child—Whether respondent Roberto R. was properly determined to be a person legally responsible for the child B.F.;

Family Court, Bronx County, placed child R.E. in custody of the Commissioner of Social Services and, inter alia, ordered Roberto R. to engage in sex offender treatment, undergo a mental health evaluation, engage in individual therapy, take a parenting skills course, and comply with a stay away order of protection with the exception of agency supervised visitation; App. Div. affirmed the October 6, 2023 order of disposition, to the extent that it brings up for review a fact-finding order entered on the same date, and dismissed the appeals from the fact-finding order as subsumed in the appeals from the order of disposition.

PEOPLE v HARRIS (JAMIEN):

APL-2025-00144

4th Dept. App. Div. order of 6/6/25; reversal; leave to appeal granted by Lindley, J., 7/22/25;

Crimes—Double Jeopardy—Whether prosecution of the murder indictment was barred by CPL 40.40 because the conduct underlying the charge of murder was part of the same criminal transaction as conduct underlying previous charges against defendant for firearm possession;

County Court, Erie County, granted defendant's motion to dismiss the indictment; App. Div. reversed on the law, with one Justice dissenting, denied defendant's motion to dismiss the indictment, reinstated the indictment, and remitted the matter to Erie County Court for further proceedings on the indictment.

PEOPLE v LACEN (JOSE):

APL-2025-00135

1st Dept. App. Div. order of 7/18/24; affirmance; leave to appeal granted by Troutman, J., 7-9-25;

Crimes—Right of Confrontation—Whether the record establishes that the testifying analyst sufficiently participated in the testing process or conducted a meaningful review of the DNA data for purposes of the Confrontation Clause;

Supreme Court, Bronx County, convicted defendant, after a jury trial, of attempted assault in the first degree and robbery in the second degree, and sentenced him, as a second felony offender, to an aggregate term of 15 years; App. Div. affirmed.

MARTINEZ v CITY OF NEW YORK:

APL-2025-00146

1st Dept. App. Div. order of 6/24/25; modification; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Local Laws—Whether Local Law 15, barring people who were convicted of certain crimes from holding high-level office in New York City, is preempted by Public Officers Law § 3; whether Local Law 15 violates plaintiffs’ constitutional rights of association; whether the enactment of Local Law 15 required a voter referendum;

Supreme Court, New York County, among other things, granted defendant City of New York's motion to dismiss the first and fifth causes of action in the second amended complaint, and adjudged and declared that New York City Charter Chapter 50-A section 1139 (Local Law 15) does not violate plaintiffs’ rights of association under the First and Fourteenth Amendments to the US Constitution and NY Constitution, article I, § 1 and is not preempted by Public Officers Law § 3, and denied the City's motion to dismiss the sixth cause of action seeking a declaration that under Municipal Home Rule Law § 23(2)(e), the enactment of Local Law 15 required a voter referendum, but declined to issue the requested declaration that the enactment of Local Law 15 required such a referendum; App. Div. modified to grant the City’s motion to dismiss the sixth cause of action and to declare that the enactment of Local Law 15 did not require a voter referendum, and otherwise affirmed.

STREGE v LAUNCHING ALL PLANETS:

APL-2025-00143

Court of Claims order of 5/27/25; dismissal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

State—Claim against State—Whether the claim was properly dismissed;

Court of Claims dismissed claim.