



State of New York
Court of Appeals

Vol. 45 - No. 32
8/15/25

Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700

COURT OF APPEALS NEW FILINGS

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

August 8, 2025 through August 14, 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 ex rel BARTA v MAGINLEY-LIDDIE:

APL-2025-00148

2nd Dept. App. Div. order of 6-18-25; dismissal; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Habeas Corpus—Whether the writ was properly dismissed as academic;

App. Div. dismissed as academic the writ of habeas corpus in the nature of an application to release Amneris Berrios upon her own recognizance or, in the alternative, to set reasonable bail upon Queens County Indictment No. 21433/2025.

BUENOS HILL INC. v SARATOGA SPRINGS:

APL-2025-00156

3rd Dept. App. Div. order of 7-3-25; affirmance; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether a substantial constitutional question is directly involved in the order appealed from;

Courts—Ripeness Doctrine—Whether the courts below properly held that petitioner's claim that the Marihuana Regulation and Tax Act's opt-out window for municipalities is violative of the home rule protection afforded to local government by the New York Constitution is ripe for judicial review;

Supreme Court, Saratoga County, in a combined proceeding under CPLR article 78 and action for declaratory judgment, granted certain respondents' motion to dismiss the amended petition/complaint against them; App. Div. affirmed.

BURROWS v 75-25 153rd STREET:

APL-2025-00151

1st Dept. App. Div. order of 6/26/25; affirmance; sua sponte examination of whether the terms of the Court's remittitur were violated;

Appeal—Remittitur—Whether the Appellate Division contravened this Court's remittitur by reinstating plaintiff Waller's rent concession overcharge claim and plaintiffs' claims for declaratory relief;

Supreme Court, New York County, denied defendant's motion to dismiss the complaint; Supreme Court, New York County, effectively granted defendant's motion for leave to reargue and, upon reargument, adhered to its prior determinations denying defendant's motion to dismiss plaintiff's rent overcharge claims and plaintiff Waller's separate claim asserting that defendant incorrectly increased rent when renewing Waller's rent-stabilized lease after the enactment of the Housing Stability and Tenant Protection Act of 2019; App. Div. reversed and granted motion to dismiss; Supreme Court, New York County, upon a stipulation discontinuing defendant's counterclaim for attorney's fees, entered judgment in defendant's favor; Court of Appeals modified the judgment appealed from and so much of the Appellate Division order as brought up for review by remitting to the Appellate Division for further proceedings in accordance with the Court's opinion and, as so modified, affirmed; App. Div. affirmed November 2021 and May 2022 Supreme Court orders.

PEOPLE v LORA (MIGUELINA):

APL-2025-00145

2nd Dept. App. Div. order of 3/12/25; affirmance; leave to appeal granted by Halligan, J., 7/25/25;

Crimes—Sentence—Probation—Whether Supreme Court properly imposed a probation condition, under Penal Law § 65.10, requiring defendant, who was convicted of aggravated driving while intoxicated, to consent to searches of her person, vehicle, and place of abode;

Supreme Court, Queens County, convicted defendant of aggravated driving while intoxicated, upon her plea of guilty, and imposed sentence; App. Div. affirmed.

PEOPLE v MEARS (STEPHEN):

APL-2025-00147

2nd Dept. App. Div. order of 2/13/25; affirmance; leave to appeal granted by Halligan, J., 7/29/25;

Crimes—Endangering Welfare of Child—Whether the defense of justification applies to the crime of endangering the welfare of a child and, if so, whether there was any reasonable view of the evidence that defendant’s conduct was justified such that a justification charge should have been given to the jury regarding that count; County Court, Suffolk County, convicted defendant of endangering the welfare of a child, upon a jury verdict, and imposed sentence; App. Div. affirmed.