



State of New York
Court of Appeals

Vol. 45 - No. 36
9/15/25

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COURT OF APPEALS NEW FILINGS

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

September 5, 2025 through September 11, 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.

BROWN v NYS DOCCS:

APL-2025-00141

3rd Dept. App. Div. order of 6/26/25; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Pardon—Executive Clemency—Whether petitioner's application to review a determination of respondent finding that petitioner was ineligible for executive clemency was properly dismissed; alleged constitutional violations;

Supreme Court, Albany County, dismissed petitioner's application, in a proceeding under CPLR article 78, to review a determination of respondent finding that petitioner was ineligible for executive clemency; App. Div. affirmed.

PEOPLE v CASIANO (RICARDO):

APL-2025-00162

4th Dept. App. Div. order of 7/25/25; modification; leave to appeal granted by Odgen, J., 8/19/25;

Crimes—Right to Remain Silent—Whether defendant was in custody for Miranda purposes when the police approached him in his backyard in response to shots fired; whether defendant’s subsequent statements were tainted by the earlier statements such that suppression was warranted; whether defendant was deprived of his ability to present a defense at trial;

Supreme Court, Monroe County, convicted defendant upon a jury verdict of criminal possession of a weapon in the second degree (two counts); App. Div., with one Justice dissenting, modified as a matter of discretion in the interest of justice by reducing the sentence of imprisonment imposed on each count to a determinate term of four years, and, as so modified, affirmed.

JONES v ALPHABET INC.:

APL-2025-00169

4th Dept. App. Div. order of 7/25/25; reversal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution;

Dismissal and Nonsuit—Whether plaintiffs’ common law causes of action, including products liability, public nuisance, and negligence, asserted against social media defendants are barred by section 230 of the Communications Decency Act and the First Amendment; whether social media applications are products subject to strict products liability under New York law;

Supreme Court, Erie County, denied the motions of defendants-appellants to dismiss the complaint against them; App. Div., with two Justices dissenting, reversed, granted motions and dismissed the complaint as against defendants-appellants.

PEOPLE v MARTIN (DARNELL M.):

APL-2025-00161

3rd Dept. App. Div. order of 6/26/25; reversal; leave to appeal granted by Mackey, J., 8/18/25;

Crimes—Suppression Hearing—Whether Penal Law § 222.05 (3) (a), enacted as part of the Marihuana Regulation and Taxation Act, applies to a post-enactment suppression hearing concerning a pre-enactment search;

County Court, Washington County, convicted defendant upon his plea of guilty of the crime of criminal possession of a controlled substance in the third degree; App. Div. with two Justices dissenting, reversed, on the law, guilty plea vacated, motion to suppress granted, and matter remitted to County Court, Washington County, for further proceedings.

MATTER OF HOWARD PRINCE:

APL-2025-00164

2nd Dept. App. Div. order of 5/21/25; dismissal; sua sponte examination of whether the order appealed from finally determines the proceeding within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Appeal—Whether objectant’s appeal to the Appellate Division was properly dismissed for failure to provide the Court with an adequate appendix;

Surrogate's Court, Suffolk County, granted the petitioner's motion for summary judgment dismissing the objections to probate and admitted the will to probate; App. Div. dismissed appeal.

SALTER v META:

APL-2025-00170

4th Dept. App. Div. order of 7/25/25; reversal; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution;

Dismissal and Nonsuit—Whether plaintiffs' common law causes of action, including products liability, public nuisance, and negligence, asserted against social media defendants are barred by section 230 of the Communications Decency Act and the First Amendment; whether social media applications are products subject to strict products liability under New York law;

Supreme Court, Erie County, denied the motions of defendants-appellants to dismiss the complaint against them; App. Div., with two Justices dissenting, reversed, granted motions, dismissed the complaint as against defendants-appellants.

STANFIELD v ALPHABET INC.:

APL-2025-00165

4th Dept. App. Div. order of 7/25/25; reversal;

Dismissal and Nonsuit—Whether plaintiffs' common law causes of action, including products liability, public nuisance, and negligence, asserted against social media defendants are barred by section 230 of the Communications Decency Act and the First Amendment; whether social media applications are products subject to strict products liability under New York law;

Supreme Court, Erie County, denied the motions of defendants-appellants to dismiss the second amended complaint against them; App. Div., with two Justices dissenting, reversed, granted motions, dismissed the second amended complaint as against defendants-appellants.