



State of New York
Court of Appeals

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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

September 19, 2025 through September 25, 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.

CASTELLANOS v NYC ERS:

APL-2025-00178

2nd Dept. App. Div. order of 8/20/25; reversal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Proceeding Against Body or Officer—Whether the Board of Trustee's determination adopting the recommendation of the Medical Board was irrational or arbitrary and capricious;

Supreme Court, Kings County, in a proceeding under CPLR article 78 to review a determination of the Board of Trustees of the New York City Employees' Retirement System, dated January 13, 2022, which denied petitioner's application for disability

retirement benefits, granted the amended petition and annulled the determination; App. Div. reversed, denied the amended petition, and dismissed the proceeding.

MATTER OF CHERYL D.U. v EHIGIE E.U.:

APL-2025-00163

1st Dept. App. Div. order of 8/28/25; 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;

Motions and Orders—Whether reargument was properly denied;

App. Div. denied reargument of a prior order of the same court, dated July 3, 2025.

PEOPLE v EKUKPE (DAVID):

APL-2025-00167

1st Dept. App. Div. order of 3/18/25; affirmance; leave to appeal granted by Wilson, Ch. J., 9/24/25;

Crimes—Appeal—Whether, following the enactment of CPL 30.30 (6), appellate review of a statutory speedy trial claim may be waived through an appeal waiver; whether a defendant has a constitutional right that precludes enforcement of an appeal waiver with regard to a statutory speedy trial claim;

Supreme Court, Bronx County, convicted defendant, upon his pleas of guilty of attempted criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree, and sentenced him, as a second violent felony offender, to concurrent terms of 5 years for attempted criminal possession of a weapon in the second degree and 2 to 4 years for criminal possession of a weapon in the third degree; App. Div. affirmed.

PEOPLE ex rel. WAGONER v COUNTY OF CATTARAUGUS:

APL-2025-00127

4th Dept. App. Div. order of 6/4/25; dismissal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Habeas Corpus—Whether petitioner’s application and petition for a writ of habeas corpus was properly dismissed as moot;

App. Div. granted financial relief and otherwise dismissed petitioners' application and petition for a writ of habeas corpus as moot.