



State of New York
Court of Appeals

Vol. 45 - No. 40
10/21/25

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COURT OF APPEALS NEW FILINGS

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

October 3, 2025 through October 9, 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 v EVERSON (TERRY):

APL-2025-00168

4th Dept. App. Div. orders of 7/25/25; affirmance; leave to appeal granted by Ogden, J., 8/28/25;

Crimes—Disclosure—Whether the trial court's denial of defendant's request for an adjournment violated CPL 245.80(1)(a) where the People failed to disclose certain documents used in a fingerprint analysis;

Supreme Court, Onondaga County, convicted defendant, upon a jury verdict, of burglary in the second degree and grand larceny in the fourth degree; Supreme Court, Onondaga County, convicted defendant, upon a jury verdict, of rape in the first degree and burglary in the second degree; App. Div., affirmed, with one Justice dissenting.

POLTORAK v CLARKE:

APL-2025-00172

2nd Dept. App. Div. order of 7/30/25; modification; sua sponte examination of whether a substantial constitutional question is directly involved in the order appealed from;

Habeas Corpus—Scope of Remedy—Whether CPLR 7003(c), which provides that a judge or court that violates CPLR 7003 by refusing to issue a writ of habeas corpus shall forfeit \$1,000 to the person detained, is unconstitutional as violative of the Judicial Compensation Clause or separation of powers doctrine;

Supreme Court, Kings County, denied plaintiff's motion for summary judgment on the cause of action for the imposition of a \$1,000 forfeiture against the defendant pursuant to CPLR 7003(c); granting those branches of the defendant's cross-motion pursuant to CPLR 3211(a)(7) to dismiss the amended complaint and, in effect, for a judgment declaring that CPLR 7003(c) is unconstitutional because it violates the Judicial Compensation Clause of the New York State Constitution; and dismissed the amended complaint; App. Div. modified, on the law, the order and judgment of Supreme Court by adding thereto a provision declaring that CPLR 7003(c) is unconstitutional; and as so modified, affirmed, with costs.

SALIS v CITY OF NY:

APL-2025-00182

1st Dept. App. Div. order of 9/22/25; denial of motion; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders—Whether the Appellate Division properly denied plaintiff's motion to vacate the dismissal of plaintiff's appeal and extend the time to perfect the appeal; alleged constitutional violation;

Supreme Court, Kings County, dismissed complaint; App. Div. denied motion by plaintiff, in effect, under 22 NYCRR 1250.1(c) to vacate dismissal and extend the time to perfect the appeal.