



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

December 5, 2025 through December 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.

PEOPLE v DAVIS (ANTRELL):

APL-2025-00210

4th Dept. App. Div. order of 1/31/25; leave to appeal granted by Garcia, J., 12/4/25;

Crimes—Attempt—Whether Penal Law § 265.03 (3) is facially unconstitutional in light of *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]) because the statute does not define the lack of licensure or other disqualifying factors as essential elements of the crime;

County Court, Monroe County, convicted defendant, upon his plea of guilty of attempted criminal possession of a weapon in the second degree (Penal Law §§ 110.00, 265.03 [3]); App. Div. affirmed.

MURRAY v NCAA:

APL-2025-00208/ APL-2025-00209

4th Dept. App. Div. orders of 1/31/25; sua sponte examination of whether a substantial constitutional question is directly involved in the orders appealed from;

Dismissal and Nonsuit—Dismissal of Complaint—Whether plaintiff’s action was subject to New York’s anti-SLAPP statute and, if so, whether plaintiff sufficiently demonstrated actual malice to avoid dismissal under CPLR 3211(g);

Supreme Court, Monroe County, granted the motion of defendant to dismiss the complaint; App. Div. affirmed.

PEOPLE v SMITH (TIMOTHY):

APL-2025-00194

4th Dept. App. Div. order of 7/25/25; affirmance; leave to appeal granted by Ogden, J., entered 10/27/25;

Crimes—Unlawful Search and Seizure—Whether the police officers’ request to frisk and pursuit of defendant were lawful; Crimes—Right to Counsel—Effective Representation—Whether defendant was deprived of the effective assistance of counsel;

County Court, Onondaga County, convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts); App. Div. affirmed.