



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 19, 2025 through December 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.

PEOPLE v JOSHUA CHERISTIN:

APL-2025-00212

2nd Dept. App. Div. order of 6/4/25; affirmance; leave to appeal granted by Rivera, J., 12/8/25;

Crimes—Appeal—Waiver of Right to Appeal—Whether an appeal waiver is valid when the plea court informs defendant that the appeal waiver is a condition of the plea prior to the defendant's factual allocution but the full appeal waiver colloquy occurs after the factual allocution; 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;

Supreme Court, Queens County, convicted defendant of criminal possession of a weapon in the second degree, upon his plea of guilty, and imposed sentence; App. Div. affirmed.

PEOPLE v TYRELL GADDY:

APL-2025-00214

2nd Dept. App. Div. order of 8/6/25; affirmance; leave to appeal granted by Rivera, J., 12/8/25;

Crimes—Unlawful Search and Seizure—Whether there is record support for the Appellate Division’s determination that the police officer’s inquiry whether defendant possessed any weapons was justified by a founded suspicion of criminal activity;

County Court, Nassau County, convicted defendant of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree, criminal possession of a firearm, criminal possession of a weapon in the fourth degree, and criminal possession of a controlled substance in the seventh degree (two counts), upon his plea of guilty, and imposed sentence; App. Div. affirmed.

GRALA v STRUCTURAL PRESERVATION SYSTEMS:

APL-2025-00218

2nd Dept. App. Div. order of 10/29/25; modification; 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;

Workers’ Compensation—Third-Party Action—Whether those branches of the third-party defendants’ motion for summary judgment dismissing the third-party causes of action for common-law and contractual indemnification were properly denied; whether the courts below properly held that a general release did not warrant summary judgment dismissing the third-party complaint; whether that branch of the cross-motion of the defendant third-party plaintiff and the defendant New York City Housing Authority which was for summary judgment dismissing the counterclaims of the third-party defendant Apex Development, Inc. was properly granted; alleged constitutional violations;

Supreme Court, Queens County, among other things, denied the third-party defendants’ motion for summary judgment dismissing the third-party complaint and on the counterclaims of the third-party defendant Apex Development, Inc., and granted that branch of the cross-motion of the defendant third-party plaintiff and the defendant New York City Housing Authority which was for summary judgment dismissing the counterclaims of the third-party defendant Apex Development, Inc.; App. Div. modified by deleting the provision of the order denying that branch of the third-party defendants’ motion which was for summary judgment dismissing the third-party cause of action alleging breach of contract for failure to procure insurance against third-party defendant Apex Development, Inc., and substituting therefor a provision granting that branch of the motion, and, as so modified, affirmed insofar as appealed from.

PEOPLE v RAHMEL HOWARD:

APL-2025-00213

2nd Dept. App. Div. order of 7/2/25; affirmance; leave to appeal granted by Rivera, J., 12/8/25;

Crimes—Appeal—Waiver of Right to Appeal—Whether an appeal waiver is valid when the plea court informs defendant that the appeal waiver is a condition of the plea prior to the defendant’s factual allocution but the full appeal waiver colloquy occurs after the factual allocution;

Supreme Court, Richmond County, upon defendant's pleas of guilty, imposed sentences; App. Div. affirmed, with one Justice dissenting in part and concurring in part.