



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 26, 2025 through January 1, 2026

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.

MATTER OF R.A.:

APL-2025-00224

1st Dept. App. Div. order of 7/24/25; affirmance; leave to appeal granted by the Appellate Division, on a certified question, 11/25/25; sua sponte examination of whether appellant is a party aggrieved;

Parent, Child and Family—Abused or Neglected Child—Whether Family Court can order that the Administration of Children's Services supervise a nonrespondent parent who was caring for the child prior to the filing of the Family Court Act article 10 petition;

Family Court, New York County, vacated an order of the same court entered on or about January 3, 2024, which placed nonrespondent mother under ACS supervision during the

pendency of the neglect proceedings against respondent father on consent of ACS; App. Div. affirmed.

MANKO v SHOREFRONT APARTMENTS:

APL-2025-00211

2nd Dept. App. Div. order of 11/3/25; denial of motion; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution and whether any jurisdictional basis exists for an appeal as of right;

Motions and Orders;

App. Div. denied branch of motion to vacate dismissal of appeal and otherwise denied motion as academic.

PEOPLE v S. (JALEEL):

APL-2025-00217

2nd Dept. App. Div. order of 7/30/25; reversal; leave to appeal granted by Halligan, J., 12/12/25;

Crimes—Sentence—Youthful Offender—Whether a defendant may seek to set aside a sentence under CPL 440.20 on the ground that the sentencing court failed to make a youthful offender determination;

Supreme Court, Queens County, denied, without a hearing, defendant's motion pursuant to CPL 440.20 to set aside a sentence of the same court (imposed 4-12-18), upon defendant's conviction of robbery in the first degree, upon his plea of guilty; App. Div. reversed, on the law, granted defendant's motion pursuant to CPL 440.20 to set aside the sentence, vacated the sentence, and remitted the matter for resentencing.

SWINTON v STATE OF NEW YORK:

APL-2025-00223

4th Dept. App. Div. order of 12/2/25; denial of motions; sua sponte examination of whether the order appealed from finally determines the action within the meaning of the Constitution, and whether any jurisdictional basis exists for an appeal as of right;

Appeal—Dismissal—Whether the Appellate Division erred in dismissing claimant's appeal;

Court of Claims, awarded claimant the sum of \$188.43 and \$20.00 in filing fees; App. Div. dismissed; App. Div. granted claimant's motion to vacate dismissal on the condition that the appeal be perfected before 12/16/24; App. Div. denied motion to vacate dismissal; App. Div. denied claimant's motion for (1) leave to reargue, (2) leave to appeal to the Court of Appeals and (3) for a stay and other relief.