



*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

**March 6, 2026 through March 12, 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.**

DOUGHERTY v CITY OF NEW YORK:

APL-2026-00025

1st Dept. App. Div. order of 1/29/26; affirmation; 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 in the order appealed from;

**Dismissal and Nonsuit—Whether defendants' motion to dismiss was properly granted for failure to state a cause of action; whether there is a private right of action under the Free Exercise Clause of the New York State Constitution when the alleged wrongs could be addressed with alternate remedies;**

Supreme Court, New York County, granted defendants' motion to dismiss the complaint and denied plaintiff's cross-motion for leave to file an amended complaint; App. Div. affirmed.

PEOPLE v JAWAD (MOHAMMED):

APL-2026-00020

2nd Dept. App. Term order of 8/13/24; reversal; leave to appeal granted by Troutman, J., 2/20/26;

**Crimes—Disclosure—Whether misconduct allegations against a testifying police officer that arose from an unrelated incident were subject to disclosure under CPL 245.20; Whether the People complied with discovery obligations by disclosing Law Enforcement Officer as Witness summaries instead of disciplinary files; Whether CPL 245.20 required the People to disclose records for non-testifying officers; Whether the People exercised due diligence such that the certificate of compliance was valid;**

Criminal Court, Queens County, granted defendant's motion to dismiss the accusatory instrument on statutory speedy trial grounds; Criminal Court, Queens County, granted defendant's motion to the extent of invalidating the People's certificate of compliance and statement of readiness; App. Term reversed the denial of defendant's motion to dismiss the accusatory instrument on statutory speedy trial grounds, reinstated the accusatory instrument, vacated so much of the order as granted the branches of defendant's motion to invalidate the People's certificate of compliance and statement of readiness, and remitted the matter to Criminal Court for further proceedings.

PEOPLE v MAYERS (KESTON):

APL-2026-00022

2nd Dept. App. Div. order of 9/10/25; dismissal; leave to appeal granted by Wilson, Ch. J., 2/25/26;

**Appeal—Matters Appealable—Whether an order determining a CPL 440.46-a motion is appealable as of right by the defendant; Crimes—Vacatur of Judgment of Conviction—Whether a conviction may be vacated under CPL 440.46 without substitution of a conviction if the court determines that substitution is not in the interests of justice;**

Supreme Court, Nassau County, granted defendant's motion pursuant to CPL 440.46–a(2)(a) to the extent of vacating a judgment of the same court rendered April 5, 2017, convicting him of criminal possession of marihuana in the second degree upon his plea of guilty, and substituted a conviction of criminal possession of cannabis in the second degree pursuant to CPL 440.46–a(2)(b)(ii) and resentenced defendant on the substituted conviction; App. Div. dismissed the appeal.