



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

April 24, 2026 through April 30, 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.

PEOPLE v ERBER (MICHAEL):

APL-2026-00038

2nd Dept. App. Div. order of 11/19/25; affirmance; leave to appeal granted by Halligan, J., 4/9/26;

Crimes—Appeal—Preservation of Issue for Review—Whether a defendant is required to preserve a challenge to the Attorney General's prosecutorial authority under Executive Law § 63 (3); Crimes—Larceny—Whether the grand jury evidence was legally insufficient to establish grand larceny in the second degree, grand larceny in the third degree, and scheme to defraud in the first degree and whether insufficiency was cured by legally sufficient evidence at trial; Crimes—Right to Counsel—Effective Representation—Whether defendant was deprived of the effective assistance of counsel

based on counsel's failure to object that the trial evidence was legally insufficient;
Crimes—Evidence—Whether the court erred in admitting the prosecution to introduce evidence that defendant may have made false allegations against one of the complainants;
Supreme Court, Kings County, convicted defendant of grand larceny in the second degree, grand larceny in the third degree (four counts), and scheme to defraud in the first degree, upon a jury verdict, and imposed sentence; App. Div. affirmed.

MATTER OF J.L.:

APL-2026-00034

1st Dept. App. Div. order of 1/13/26; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Guardian and Ward—Whether the petition for the appointment of a guardian was properly granted;

Supreme Court, New York County, granted petition for the appointment of a guardian of the person and property of J.L., also known as J.A., an alleged incapacitated person; App. Div. affirmed.