

State of New York
Court of Appeals

Decisions

May 21, 2026

CASES

4 No. 38
In the Matter of David J. Abdoch,
 Respondent,
 v.
Fonda D. Abdoch,
 Respondent.
Alison Bates, Esq., Attorney for the Children,
 Appellant.

Order reversed, without costs, and matter remitted to the Appellate Division, Fourth Department, for consideration of the facts and issues raised but not determined on appeal to that Court.
Opinion by Judge Singas.
Chief Judge Wilson and Judges Rivera, Garcia, Cannataro, Troutman and Halligan concur.

1 No. 26
Waldy Quinones Garcia,
 Respondent,
 v.
Monadnock Construction, Inc. et al.,
 Appellants.

Order affirmed, with costs, and certified question answered in the affirmative, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

3 No. 37
In the Matter of Lawyers For Children, et al.,
 Appellants,
 v.
New York State Office of Children and
Family Services et al.,
 Respondents.

Order reversed, with costs, petition granted, and the Host Family Home Program regulations (18 NYCRR part 444) annulled.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera, Garcia, Singas, Troutman and Halligan concur.

MOTIONS

4 Mo. No. 2025-844
In the Matter of Mionette A.

Erie County Department of Social Services,
Respondent;
Danon A.A.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-197
Veronika Abella,
Respondent,
v.
Levente Szileszky,
Appellant.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.
Motion for a stay dismissed as academic.

4 Mo. No. 2025-846
In the Matter of Natalio B.

Erie County Department of Social Services,
Respondent;
Nicole P.,
Appellant.
(And Other Proceedings.)
(App. Div. Nos. CAF 23-01830, CAF 23-
01831, CAF 23-01832, CAF 23-01835, CAF
23-01836, and CAF 23-01837)

Motion for leave to appeal denied.

2 Mo. No. 2025-709
The People &c. ex rel. Peter A. Barta, &c.,
Appellant,
v.
Lynelle Maginley-Liddie, &c.,
Respondent.

On the Court's own motion, appeal dismissed,
without costs, upon the ground that no substantial
constitutional question is directly involved.
Motion for leave to appeal denied.

2 Mo. No. 2025-746
Karin Berrick,
Appellant,
v.
16 Brentwood Road, LLC et al.,
Respondents.
(And a Third-Party Action.)

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2025-898
In the Matter of Eric Brown,
Appellant,
v.
Juliana Ruperto,
Respondent.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

3 Mo. No. 2026-318
The People &c.,
Appellant,
v.
Salina Brown-Shook,
Respondent.

Motion for assignment of counsel granted and Paul Skip Laisure, Esq., 1225 Franklin Avenue, Garden City, NY 11530 assigned as counsel to the respondent on the appeal herein.

1 Mo. No. 2026-233
In the Matter of Shakur Carrasquillo,
Appellant,
v.
Timothy W. Lewis, &c.,
Respondent.

Motion for leave to appeal denied.
Motion for ancillary relief dismissed as academic.

Mo. No. 2026-234
In the Matter of Shakur Carrasquillo,
Appellant,
v.
NYS DOCCS Commissioner Daniel F.
Martuscello III,
Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie.
Motion for ancillary relief dismissed as academic.

1 Mo. No. 2026-239
The People &c.,
 Respondent,
 v.
Shakur Carrasquillo,
 Appellant.

Motion for reargument &c. denied.
Motion for ancillary relief dismissed as academic.

3 Mo. No. 2026-264
In the Matter of the People &c. by Letitia
James, &c.,
 Appellant,
 v.
Commons West, LLC, et al.,
 Respondents.

Motion for a stay &c. denied as unnecessary (*see*
CPLR 5519 [a] [1]; *Colonial Arms Apts. v Village of*
Mount Kisco, 64 NY2d 948, 949 [1985]).

4 Mo. No. 2025-847
In the Matter of Dariell P.E.

Motion for leave to appeal denied.

Erie County Department of Social Services,
 Respondent;
Dannysha E.-C.,
 Appellant.
(And Other Proceedings.)
(App. Div. Nos. CAF 23-01688, CAF 23-
01690, CAF 23-01702, CAF 23-01703, CAF
23-01704, CAF 23-01705, CAF 23-01973,
CAF 23-01974, CAF 23-01975, CAF 23-
01976, CAF 23-01977, and CAF 23-01978).

1 Mo. No. 2026-290
The People &c.,
 Respondent,
 v.
David Ekukpe,
 Appellant.

Motion by Chief Defenders Association of New
York for leave to file a brief amicus curiae on the
appeal herein granted and the proposed brief is
accepted as filed. Two copies of the brief must be
served, an original and nine copies filed, and the
brief submitted in digital format within seven days.

2 Mo. No. 2026-297
The People &c.,
Respondent,
v.
Michael Erber,
Appellant.

Motion for assignment of counsel granted and Twyla Carter, Esq., The Legal Aid Society, 199 Water Street, New York, NY 10038 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2025-865
In the Matter of K.F., &c.,
Respondent,
v.
F.T.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-756
James Farah,
Appellant,
v.
City of New York, et al.,
Respondents,
et al.,
Defendants.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved. Motion for leave to appeal denied.

4 Mo. No. 2026-27
In the Matter of Ambur Fortney,
Appellant,
v.
Lavaun Rivers,
Respondent.

Motion, insofar as it seeks leave to appeal from so much of the Appellate Division order as affirmed that portion of the Family Court order dismissing the petitions for violation of a prior custody order, dismissed upon the ground that such portion of the order does not finally determine the proceedings within the meaning of the Constitution; motion for leave to appeal otherwise denied. Motion for financial relief dismissed as academic.

In the Matter of Ambur Fortney,
Appellant,
v.
Dustin Miller,
Respondent.

In the Matter of Ambur Fortney,
Appellant,
v.
Lavaun Rivers et al.,
Respondents.

2 Mo. No. 2026-327
The People &c.,
 Respondent,
 v.
Tyrell Gaddy,
 Appellant.

Motion by New York Civil Liberties Union for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. An original and nine copies of the brief must be filed and the brief submitted in digital format within seven days.

3 SSD 14
In the Matter of the Claim of Jeffrey Glowatz,
 Appellant.
City of New York,
 Respondent.
Commissioner of Labor,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3 Mo. No. 2025-751
In the Matter of Kelly Graham,
 Appellant,
 v.
Colleen C. Gardner, &c.,
 Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

3 Mo. No. 2026-287
In the Matter of Keymarroo Guiden,
 Appellant,
 v.
E. Danielle Jose-Decker, &c. et al.,
 Respondents.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

1 Mo. No. 2026-251
The People &c.,
 Respondent,
 v.
Amy Hartsgrove,
 Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

3 Mo. No. 2026-84
In the Matter of Addilyn I. et al., &c.

Delaware County Department of Social
Services,
Respondent;
Richard I.,
Appellant.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

4 Mo. No. 2025-824
In the Matter of Paris M. et al.

Erie County Department of Social Services,
Respondent;
Darrin S.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-873
In the Matter of Gina P. et al.

Delaware County Department of Social
Services,
Respondent;
Shannon O.,
Appellant.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

1 Mo. No. 2025-739
In the Matter of C.D.R., &c.

Cardinal McCloskey Community Services,
Respondent;
Keith M.R.,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-302
Fredis Ramires, et al.,
Appellants,
v.
AGDG Car Wash Corp., et al.,
Respondents.

Motion by National Employment Lawyers Association/New York for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2 SSD 15
In the Matter of Roger Rowe,
Appellant,
et al.,
Petitioners,
v.
Betsy Heckman Torres, &c., et al.,
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous judgment of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

3 Mo. No. 2026-193
The People &c. ex rel. Bernard Thomas,
Appellant,
v.
Superintendent of Elmira Correctional Facility,
Respondent.

Motion to vacate this Court's October 8, 2025 dismissal order granted.
On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.

1 Mo. No. 2025-788
Vincente Toribio, et al.,
Respondents,
v.
Feldor Billiards Inc., &c., et al.,
Defendants,
Noah Sapir, &c.,
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that no substantial constitutional question is directly involved.
Motion for leave to appeal denied.

3 Mo. No. 2025-669
In the Matter of the State of New York,
 Respondent,
 v.
Joel Z.,
 Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-800
In the Matter of Jamar T. Zwiefach,
 Appellant,
 v.
Deborah Heitzmann,
 Respondent.

Motion for leave to appeal from so much of the Appellate Division order as affirmed so much of the Family Court order as modified the parenting time provisions of the prior custody order between the parties denied; motion for leave to appeal otherwise dismissed upon the ground that the remainder of the Appellate Division order does not finally determine a proceeding within the meaning of the Constitution. Motion for financial relief dismissed as academic.