

State of New York
Court of Appeals

Decisions

May 28, 2026

CASES

1 No. 41
111 West 57th Investment LLC, et al.,
 Appellants,
 v.
111 W57 Mezz Investor LLC, et al.,
 Defendants,
ACREFI Mortgage Lending, LLC, et al.,
 Respondents,
et al.,
 Defendants.

Order appealed from and so much of the Appellate Division order brought up for review modified, without costs, by reinstating the second cause of action of the second amended complaint and remitting to Supreme Court, New York County, for further proceedings on that cause of action and, as so modified, affirmed.
Opinion by Chief Judge Wilson.
Judges Rivera, Troutman and Ogden concur.
Judge Garcia dissents in part and votes to affirm in an opinion, in which Judges Singas and Cannataro concur.
Judge Halligan took no part.

2 No. 50
The People &c.,
 Respondent,
 v.
Elijah Carnegie,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Garcia.
Judges Rivera, Singas, Cannataro, Troutman and Halligan concur, Judge Halligan in a concurring opinion in which Chief Judge Wilson and Judge Rivera concur.

2 No. 51
The People &c.,
 Respondent,
 v.
Anthony Dockery,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Garcia.
Judges Rivera, Singas, Cannataro, Troutman and Halligan concur, Judge Halligan in a concurring opinion in which Chief Judge Wilson and Judge Rivera concur.

2 No. 49
The People &c.,
 Respondent,
 v.
Hikeem Green,
 Appellant.

Order affirmed, without costs.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera and Halligan
concur.
Judge Garcia concurs in result in an opinion, in
which Judges Singas and Troutman concur.

1 No. 48
The People &c.,
 Respondent,
 v.
Kenneth Townsend,
 Appellant.

Order affirmed, without costs, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

2 Mo. No. 2026-169

Doreen M. Abruzzese, &c.,
Appellant,

v.

Ethel Pisacano,
Respondent.

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

1 Mo. No. 2025-806

In the Matter of Celinda Acevedo et al.,
Appellants,

v.

Citibank N.A.,
Respondent.

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

4 Mo. No. 2026-137

The People &c. ex rel. Abdullah Ali a/k/a
Joshua Jones,
Appellant,

v.

Daniel F. Martuscello, III, &c.,
Respondent.

Motion for leave to appeal dismissed upon the ground that no appeal lies from an order of an individual Justice of the Appellate Division (*see* NY Const, art VI, § 3 [b]; CPLR 5602).

Motion for ancillary relief dismissed upon the ground that this Court does not have jurisdiction to entertain it (*see* NY Const, art VI, § 3).

2 Mo. No. 2025-880

The People &c.,
Respondent,

v.

Robert L. Allen,
Appellant.

Motion for leave to appeal denied.

Motion for financial relief dismissed as academic.

2 Mo. No. 2025-881

The People &c.,
Respondent,

v.

Brian Banister,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-715
In the Matter of Daniel A. Barletta,
 Appellant,
 v.
Daniel F. Martuscello III, &c.,
 Respondent.

Motion for leave to appeal granted.

1 Mo. No. 2025-891
In the Matter of Andree T. Bejjani, &c.

Motion for leave to appeal denied.

Paul S. Forster,
 Respondent,
 v.
Joseph Bejjani,
 Appellant,
Nada Bejjani,
 Respondent,
George Bejjani,
 Respondent.

1 Mo. No. 2025-892
In the Matter of Andree T. Bejjani, &c.

Motion for leave to appeal dismissed upon the ground that appellant, having taken no appeal to the Appellate Division, is not a party aggrieved (*see* CPLR 5511).

Paul S. Forster,
 Respondent,
 v.
Joseph Bejjani,
 Respondent,
Nada Bejjani,
 Appellant,
George Bejjani,
 Respondent.

2 Mo. No. 2025-882
The People &c.,
 Respondent,
 v.
Eduin Cambarmatute,
 Appellant.

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

3 Mo. No. 2025-840
Thomas Cappetta,
 Appellant,
 v.
State of New York,
 Respondent,
et al.,
 Defendants.

Motion for leave to appeal denied.
Chief Judge Wilson took no part.

1 Mo. No. 2025-825
The People &c.,
 Respondent,
 v.
Melissa Concepcion,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-829
The People &c.,
 Respondent,
 v.
David Cruz,
 Appellant.

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

 Mo. No. 2026-259
Neysha Cruz, &c.,
 Appellant,
 v.
David C. Banks et al.,
 Respondents.

Motion for reargument denied.

2 Mo. No. 2025-862
The People &c.,
 Respondent,
 v.
Chris Echols,
 Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2026-236
Roland Finley,
Respondent,
v.
Diocese of Brooklyn, &c. et al.,
Appellants,
et al.,
Defendants.

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

2 Mo. No. 2025-879
The People &c.,
Respondent,
v.
Oscar A. Fuentes,
Appellant.

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

3 Mo. No. 2025-895
In the Matter of Jeffrey Gaul,
Appellant,
v.
Jennifer Sober, &c.,
Respondent.

Motion for reargument of motion for leave to appeal denied.

1 Mo. No. 2025-808
Jenny Golden, &c., et al.,
Appellants,
v.
EcoHealth Alliance Inc. et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed the March 2024 Supreme Court order, dismissed upon the ground that such portion of the order does not finally determine the action within the meaning of the Constitution; motion for leave to appeal otherwise denied.

2 Mo. No. 2025-837
Sylvester Gregg, &c.,
Appellant,
v.
SN Servicing Corporation et al.,
Respondents.

Motion for leave to appeal granted.

2 Mo. No. 2025-900
Sylvester Gregg, &c.,
Appellant,
v.
SN Servicing Corporation et al.,
Respondents.

Motion by Bromberg Law Office, P.C., et al. for
leave to appear amici curiae on the motion for leave
to appeal herein granted and the brief is accepted as
filed.

2 Mo. No. 2025-894
The People &c.,
Respondent,
v.
Ricardo L. Gurdon,
Appellant.

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

4 Mo. No. 2025-867
In the Matter of Stephen F. Guthmann,
Appellant;
Onondaga County Sheriff's Department,
Respondent.
(App. Div. No. CA 24-01427)

Motion for leave to appeal denied.

In the Matter of Stephen F. Guthmann,
Appellant,
v.
Onondaga County Sheriff's Department, et al.,
Respondents.
(App. Div. No. OP 25-01335)

2 Mo. No. 2025-830
The People &c.,
Respondent,
v.
Hament Kumar,
Appellant.

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

2 Mo. No. 2025-822
Stacey Lieberman-Massoni,
Appellant,
v.
John Massoni,
Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2025-838
Nella Manko,
Appellant,
v.
City of New York, et al.,
Respondents.

Motion for reconsideration of this Court's October 16, 2025 dismissal order denied.
Motion for financial relief dismissed as academic.
Motion for ancillary relief dismissed as academic.
Chief Judge Wilson took no part.

1 Mo. No. 2025-864
The People &c.,
Respondent,
v.
Bulfrano Navarro,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2025-851
The People &c.,
Respondent,
v.
Kori Powell,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2025-799
The People &c.,
Appellant,
v.
David Robinson,
Respondent.

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

3 Mo. No. 2025-890
In the Matter of Jua Smith,
 Appellant,
 v.
New York State Board of Parole,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2025-854
In the Matter of South Nassau Community
Hospital, &c.,
 Appellant,
 v.
Avis Budget Group, Inc.,
 Respondent.

Motion for leave to appeal denied.

2 Mo. No. 2026-19
In the Matter of Edna Catalina Ruiz Trevino,
 Appellant,
 v.
Franklin Lee Pray,
 Respondent.

Motion for reargument of motion for leave to appeal
denied.

2 Mo. No. 2025-883
The People &c.,
 Respondent,
 v.
Walter Wagers,
 Appellant.

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

2 Mo. No. 2025-815
The People &c.,
 Respondent,
 v.
Judith Welch,
 Appellant.

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

3 Mo. No. 2025-757
West Mountain Assets LLC,
 Appellant,
 v.
James Dobkowski et al.,
 Respondents.

Motion for leave to appeal, deemed as made from the September 2025 Supreme Court order to bring up for review the prior nonfinal May 2024 Appellate Division order (*see* CPLR 5602 [a] [1] [ii]), granted.

2 Mo. No. 2025-839
The People &c.,
 Respondent,
 v.
Sang Wong,
 Appellant.

Motion for leave to appeal denied.