



*State of New York  
Court of Appeals*

Vol. 43 - No. 18  
5/23/23

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COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office

**May 5, 2023 through May 11, 2023**

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 BEST v STATE OF NEW YORK:

2nd Dept. App. Div. order of 12/14/22; dismissal; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

**Proceeding Against Body or Officer;**

App. Div., in a proceeding under CPLR article 78 in the nature of prohibition to prohibit respondents from accepting, processing, and adjudicating unsworn criminal complaints, and application for poor person relief, granted the application for poor person relief only to the extent of waiving the filing fee, and dismissed the proceeding.

MATTER OF HAVERTY v CITY OF NEW YORK:

1st Dept. App. Div. order of 9/1/22; granted adjournment; 1st Dept. App. Div. order of 12/15/22; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

**Proceeding Against Body or Officer—Dismissal of Petition;**

Supreme Court, New York County, granted respondents' motions to dismiss the hybrid CPLR article 78 petition; App. Div. Justice granted the application by the City respondents to adjourn the appeal to the November 2022 Term of the court, App. Div. affirmed the January 11, 2022 Supreme Court order.

MATTER OF JETER v POOLE:

1st Dept. App. Div. order of 6/28/22; confirmed determination; leave to appeal granted by the Court of Appeals on 4/25/23;

**Social Services—Register of Child Abuse and Maltreatment—Whether petitioner was entitled to counsel at administrative hearing; whether amended Social Services Law § 422(8)(b)(ii)(B) applies to proceeding; whether administrative law judge abused discretion in excluding from evidence letter written by child recanting abuse allegation; whether substantial evidence supports the determination;**

Office of Children and Family Services, State of New York, denied petitioner's request to amend and seal an indicated report finding maltreatment of her adopted daughter; App. Div., confirmed the determination, denied the petition, and dismissed the CPLR article 78 proceeding.