

CASE ISSUE STATEMENTS

The calendar is subject to change. Please contact the Clerk's Office for any updated information.

If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeals Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

TUESDAY, MAY 31

People v Glenn S. Smith

APL-2014-00258

Crimes--Appeal--Whether defendant was required to submit an affidavit of errors upon taking an appeal to the Appellate Term, where defendant provided an electronic recording of the underlying proceeding instead of a stenographic transcription--CPL 460.10 (3).

People v Norman E. Ramsey

APL-2015-00266

Crimes--Appeal--Whether defendant was required to submit an affidavit of errors upon taking an appeal to County Court, where he provided a transcript of the proceeding derived from an electronic recording of the underlying proceeding instead of a transcription by a court stenographer--CPL 460.1 (3).

People v Jamell R. McCullough

APL-2015-00148

Crimes--Witnesses--Expert witness--Whether the Appellate Division erred in holding that the trial court abused its discretion in precluding expert testimony on the reliability of eyewitness identifications--Whether the Appellate Division erred in granting a new trial rather than remitting for a Frye hearing.

Matter of State of New York v Dennis K.

APL-2014-00311

Crimes--Sex offenders--Civil commitment or supervision--mental abnormality--whether legally sufficient evidence supported the jury finding that Dennis K. had a mental abnormality under Mental Hygiene Law § 10.03(i)--antisocial personality disorder and paraphilia not otherwise specified; confinement required--whether legally sufficient evidence supported the finding that Dennis K. was a dangerous sex offender requiring confinement; trial--instructions--whether the Appellate Division erred in holding that, in light of Supreme Court's jury charge, the summation remarks by the assistant attorney general did not deprive Dennis K. of a fair trial, and that Supreme Court did not improvidently exercise its discretion in declining to give the specific charge requested by counsel for Dennis K.; disclosure--penalty for failure to disclose--preclusion of expert testimony--whether Supreme Court erred in not precluding or limiting the testimony of the State's expert witnesses at the dispositional hearing.

Matter of State of New York v Anthony N.

APL-2014-00313

Crimes--Sex offenders--Civil commitment or supervision--mental abnormality--diagnosis of borderline personality disorder (BPD)--whether BPD can constitute a mental abnormality requiring civil confinement.

Matter of State of New York v Richard TT.

APL-2015-00308

Crimes--Sex offenders--Civil commitment or supervision--Sex Offender Management Treatment Act (SOMTA)--Whether the Appellate Division correctly held that Supreme Court abused its discretion in granting respondent's motion to vacate orders determining that respondent has a mental abnormality and was a dangerous sex offender requiring confinement--Sufficiency of the evidence of abnormality under Matter of State of New York v Donald DD. (24 NY3d 174 [2014])--Diagnoses of antisocial personality disorder and borderline personality disorder.

WEDNESDAY, JUNE 1

People v Charles Smith

APL-2015-00036

Crimes--Trial--Cross-examination of police witnesses--Use of factual allegations in Federal Civil Rights lawsuits against arresting officers to show that officers were accused of fabricating charges in drug sale cases similar to defendant's case--Limitation of cross examination based upon irrelevant or collateral matters; Instructions--Circumstantial evidence charge--whether the Appellate Division erred in determining that the trial court properly declined to give a circumstantial evidence charge because the People's case was not based entirely on circumstantial evidence.

People v Tyrell Ingram

APL-2015-00221

Crimes--Witnesses--Impeachment--Police officer--whether the trial court correctly precluded defense counsel from cross examining police officer witness about an unrelated Federal Civil Rights lawsuit in which the officer was named as a defendant.

People v Isma McGhee

APL-2015-00243

Crimes--Witnesses--Right of Confrontation and to Present a Defense--whether defendant should have been permitted to cross examine supervising detective about an unrelated Federal Civil Rights lawsuit in which the detective was named as a defendant; Proof of other crimes--Whether the trial court properly exercised its discretion in ruling that defendant's impeachment of the detective regarding a discrepancy in a document prepared by him opened the door to evidence of the detective's knowledge of defendant's involvement in uncharged drug sales that were part of the same investigation; Sentence--Second Felony Drug Offender--Prior violent felony--Whether defendant's conviction of criminal possession of a weapon in the third degree qualifies as a violent felony.

Pasternack v Laboratory Corp.

CTQ-2015-00004

Whether drug testing regulations and guidelines promulgated by the FAA and DOT create a duty of care for drug testing laboratories and program administrators under New York negligence law; Whether a plaintiff may establish the reliance element of a fraud claim under New York law by showing that a third party relied on a defendant's false statements resulting in injury to plaintiff.

People v Dennis J. Sincerbeaux

APL-2015-00047

Crimes--Sex offenders--Sex Offender Registration Act (SORA)--whether points were improperly assessed under Risk Factor 9 because defendant's conviction for endangering the welfare of a child was not sexual in nature, and whether there is sufficient evidence to support the imposition of points under Risk Factors 1 and 5.

Matter of Tonawanda Seneca Nation v Noonan

APL-2015-00084

Proceeding against body or officer--Prohibition--Proceeding commenced in the Appellate Division to prohibit Surrogate from exercising jurisdiction over real property situated within territory of Indian Nation--whether the Appellate Division properly held that the proceeding should have been commenced in Supreme Court.

230 Park Avenue Holdco v Kurzman Karelsen & Frank, LLP

APL-2015-00161

Landlord and Tenant--Lease--Right to sublease or assign--Whether the courts below properly interpreted a stipulation of settlement as granting the tenant the right to locate prospective tenants for the premises; Whether the courts below correctly concluded that triable issues of fact exist as to whether the landlord breached the stipulation.

THURSDAY, JUNE 2

People v Dayshawn Crooks

APL-2015-00260

Crimes--Informers--Whether the courts below correctly concluded that a Darden hearing was not necessary on the ground that the police surveillance of two controlled drug transactions between the confidential informant and defendant provided probable cause for a search warrant independent of any statements the confidential informant made to the police.

People v Sparkle Daniel

APL-2015-00025

Crimes--Confession--Custodial interrogation--Whether the Appellate Division erred in concluding that statements defendant made following the administration of Miranda warnings had to be suppressed because they were not the result of a continuing custodial interrogation that began before the warnings were administered and continued without a pronounced break.

People v Nadine Panton

APL-2015-00100

Crimes--Confession--Custodial interrogation--Whether the statements made by defendant after receiving Miranda warnings should have been suppressed as the product of custodial interrogation before the warnings were administered; Right to counsel--Effective representation--Whether defendant was deprived of the effective assistance of counsel based on counsel's alleged failure to raise the Miranda claim.

Mazella v Beals

APL-2015-00077

Physicians and Surgeons--Malpractice--Whether the jury verdict should have been set aside upon the ground that plaintiff's proof on proximate cause was legally insufficient; evidence--whether the Appellate Division correctly held that, even if the trial court erred in admitting into evidence a consent agreement in which defendant admitted certain charges brought against defendant by the Office of Professional Medical Conduct, such error was harmless; trial--verdict--whether the trial court's failure to submit a special verdict sheet to the jury was prejudicial and requires a new trial.

Matter of Brooke S.B. v Elizabeth C.C.

APL-2015-00236

Parent, Child and Family--Visitation--Custody--whether former same-sex partner of child's biological mother, who did not adopt child, has standing to seek visitation or custody under article 5 of the Domestic Relations Law.

Matter of Estrellita A. v Jennifer D.

APL-2015-00235

Parent, Child and Family--Visitation--Whether former same sex partner of biological mother of child has standing to seek visitation with the child upon the ground that mother was judicially estopped from arguing that her former partner was not a parent of the child within the meaning of Domestic Relations Law § 70 where mother successfully sought an award of child support from her former partner on the ground that her former partner was a parent of the child.