

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, FEBRUARY 7

Matter of 381 Search Warrants Directed to Facebook, Inc. (Case No. 16)

APL-2015-00318

Crimes--Search warrant--Warrant served on online social networking site--Pre-enforcement challenge on behalf of target of warrant--Whether facebook, an online social networking service, served with a warrant for customer accounts, can litigate prior to enforcement the constitutionality of the warrant on its customers' behalf; Courts--Appeals--Appealable paper.

People v Matthew A. Slocum (Case No. 17)

APL 2016-00057

Crimes-- Confession -- Statements made to police on the night of his arrest--whether defendant unequivocally invoked his right to counsel before being questioned by police--if not, whether police were required to make a further inquiry into defendant's desire to have counsel represent him before questioning defendant about the crimes--whether statements defendant made to social services caseworker after defendant's right to counsel attached should have been suppressed upon the ground that the caseworker was acting as an agent of law enforcement--assuming all of defendant's statements should have been suppressed, whether the error in admitting them was harmless as to defendant's arson conviction.

People v Norman Whitehead, Jr. (Case No. 18)

APL-2015-00300

Crimes--Sufficiency of the evidence--Controlled substances--Whether the evidence was sufficient to establish defendant's possession and sale of cocaine where none of the substance was available for testing and the evidence establishing the nature of the substance possessed and sold by defendant was testimony by a co-conspirator's client about the effects of the substance; Conspiracy--Criminal Sale of Controlled Substance--Alleged duplicitous counts; Summations--Whether defendant was deprived of a fair hearing by the People's comments in summation; Jury instructions--Whether the trial court erred in refusing to give a circumstantial evidence charge to the jury.

WEDNESDAY, FEBRUARY 8

People v Richard M. Leonard (2 Appeals) (Cases No. 19 and 20)

APL-2016-00013 and APL-2016-00014

Crimes--Right to counsel--Trial strategy--Defense counsel's failure to use witness's prior, allegedly inconsistent statements at trial and to request limiting instruction regarding proof of uncharged crime allegedly committed against the same complainant; Challenge to denial of CPL 440 motion that was denied without a hearing upon the ground that trial counsel was deceased and was the only person who could have provided any material information not already before the court; Proof of other crimes--Alleged Molineux violation--Whether the trial court abused its discretion in admitting testimony regarding prior uncharged crime of sexual abuse of victim while unconscious as probative of defendant's motive and intent and as providing necessary background.

Matter of East Ramapo Central School District v King (Case No. 21)

APL-2015-00324

Proceeding against body or officer--Certiorari--CPLR article 78 proceeding--Whether the Appellate Division erred in determining that the school district was foreclosed from bringing an article 78 petition because the Federal Individuals with Disabilities Education Act does not provide a private right of action for local educational agencies to challenge a determination of respondent State Education Department.

People v Thomas Jackson (Case No. 22)

APL-2016-00007

Crimes--Proof of prior convictions--Whether the Appellate Division erred in concluding that Sandoval error by Supreme Court in allowing cross examination regarding defendant's juvenile delinquency adjudication was harmless; Right to be present at trial--Validity of defendant's waiver to be present at sidebar conferences.

THURSDAY, FEBRUARY 9

People v Charles Smith (Case No. 23)

APL-2015-00294

Crimes--Robbery--First degree robbery--What constitutes "display" of firearm--Whether the prosecution presented legally sufficient evidence establishing that defendant displayed what appeared to be a firearm while attempting to commit a robbery.

Rivera v DHPD (Case No. 24)

APL-2016-0043

Liens--Mechanic's Liens--Vacatur or discharge--Lien for living expenses of relocated tenants--Whether a court may summarily determine if assertedly unreasonable claimed expenses render a lien facially invalid, or whether a foreclosure trial is required.

Matter of Enriquez v Dept. of Housing Preservation & Dev. (Case No. 25)

APL-2016-00042

Liens -- Mechanics Liens--Vacatur or discharge--Lien for living expenses of relocated tenants--Whether a court may summarily determine if assertedly unreasonable claimed expenses render a lien facially invalid, or whether a foreclosure trial is required.

People v Ryan P. Brahney (Case No. 26)

APL-2015-00151

Crimes--Confession--Waiver of right to Huntley hearing regarding certain police testimony--harmless error -- Crimes--Murder--Failure to prove defense of extreme emotional disturbance--evidence of defendant's violent history--whether the courts erred in concluding that the facts, including extreme brutality of the crime, were insufficient to establish the defense of extreme emotional disturbance-- Crimes--Sentence --Whether County Court erred in directing that the sentences for intentional murder and burglary are to run consecutively.

TUESDAY, FEBRUARY 14

O'Brien v The Port Authority of New York and New Jersey (Case No. 27)

APL-2015-00331

Labor--Safe place to work--Elevation-related risk--Fall down temporary outdoor staircase--Applicability of Labor Law § 240(1) to temporary outdoor staircase at work site--Whether plaintiff was entitled to summary judgment on liability on his claim under Labor Law § 240(1).

People v Leonard Williams (Case No. 28)

APL 2015-168

Crimes--Argument and Conduct of Counsel --Whether PowerPoint presentation used by prosecutor in summation deprived defendant of a fair trial--Mischaracterization of trial evidence--Curative instructions; Right to counsel--Alleged ineffective assistance of counsel for failing to object to various comments during prosecutor's summation.

People v Trevor Anderson (Case No. 29)

APL-2016-00051

Crimes--Proof of Prior Convictions --Whether, following a Sandoval hearing, the trial court committed reversible error by allowing the people to inquire about defendant's prior conduct of possessing guns; Crimes--Right to counsel--whether defendant was deprived of the effective assistance of trial counsel due to counsel's asserted failure to object to the People's PowerPoint presentation during summation.

WEDNESDAY, FEBRUARY 15

People v William Cook (Queens County case) (Case No. 30)

APL-2015-00263

Crimes--Sex offenders--Sex Offender Registration Act (SORA)--Whether the Appellate Division correctly held that only one SORA disposition may be made for all "current offenses" evaluated in a given risk assessment instrument (RAI) and that SORA proceeding in Queens County Supreme Court had to be dismissed for that reason and as barred by the doctrine of res judicata, where Richmond County Supreme Court already designated defendant a level three sex offender based upon an RAI that encompassed defendant's convictions on crimes committed in both counties.

People v William Cook (Richmond County case)(Case No. 31)

APL-2015-00264

Crimes--Sex offenders--Sex Offender Registration Act (SORA)--Whether the SORA hearing court erred in assessing defendant 20 points under risk factor 7 for establishing or promoting a relationship with the victims for the primary purpose of victimization where defendant knew at least three of the victims "through his longstanding friendship with their parents"--Effect of family-like relationship with victims.

People v Yusuf Sparks (Case No. 32)

APL 2016 -00001

Crimes --Justification -- Whether the trial court erred in refusing to instruct the jury on defendant's asserted justification defense; Defendant's testimony--whether the trial court erred in permitting the people to cross examine defendant regarding a prior, unrelated robbery conviction.

People v Carlos Valentin (Case No. 33)

APL-2015-00270

Crimes--Justification- Initial aggressor exception to justification defense (Penal Law § 35.15[1][b])--whether the trial court erred in including in the jury charge the initial aggressor exception to the justification defense--testimony raising an issue of fact as to whether defendant was the first to use, or threaten to use, deadly physical force--defendant shot victim swinging a mop handle.

2/7/17