

CASE ISSUE STATEMENTS - FEBRUARY 2020

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 homepage on the Court's website.

TUESDAY, FEBRUARY 11

Plavin v Group Health Insurance

CQ 19-02

Consumer Protection -Deceptive Acts and Practices--Whether defendant insurance company's marketing materials to prospective enrollees of group health insurance plan violated General Business Law §§ 349, 350; whether defendant's conduct was "consumer oriented."

Matter of Vega (Postmates, Inc. et al.)

APL-2018-00143

Unemployment Insurance-- Employee or Independent Contractor--Whether claimant, who was engaged as a courier for Postmates Inc., was an employee of the company for unemployment insurance purposes—whether there is substantial evidence of an employer-employee relationship.

Matter of O'Donnell v Erie County

APL-2018-00191

Workers' Compensation-- Voluntary Withdrawal from Labor Market—Whether the Appellate Division erred in affirming the Workers' Compensation Board's determination on the basis that an April 2017 amendment to Workers' Compensation Law § 15(3)(w) no longer requires a claimant to demonstrate an ongoing attachment to the labor market.

WEDNESDAY, FEBRUARY 12

People v Cadman Williams

APL-2018-00151

Crimes--Evidence--Whether trial court abused its discretion in failing to hold a Frye hearing regarding admission of Low Copy Number Typing and the Forensic Statistical Tool used by the Office of the Chief Medical Examiner; Crimes—Right to Counsel—Effective Representation—whether counsel was ineffective for failing to challenge court's justification instruction; Crimes—Evidence—whether recordings of defendant's phone calls, made while defendant was in pretrial detention, were admissible.

People v Elijah Foster-Bey

APL-2018-00157

Crimes--Evidence--Whether trial court providently exercised its discretion in failing to hold a Frye hearing regarding admission of Low Copy Number DNA testing and the Forensic Statistical Tool used by the Office of the Chief Medical Examiner; whether admission of DNA evidence

violated defendant's right to confront witnesses against him; instructions--whether trial court's Allen charge was coercive.

People v George Tsintzelis

APL-2018-00138

Crimes—Evidence—DNA Identification Tests—Whether the trial court erred in denying defendant’s discovery request pursuant to CPL 240.20(1)(c) for the electronic raw data used to develop his DNA profile; whether the admission of DNA lab reports through the testimony of an analyst who didn’t perform or supervise the DNA testing violated defendant’s confrontation rights.

People v Jose Velez

APL-2018-00234

Crimes—Evidence—DNA Identification Tests—whether electronic raw data underlying results of DNA test conducted by the New York City Office of the Chief Medical Examiner is discoverable in a criminal proceeding.

THURSDAY, FEBRUARY 13

Bill Birds v Stein Law Firm

APL-2019-0006

Attorney and Client—Misconduct by Attorney—Whether plaintiffs raised a triable issue of fact on their claim alleging a violation of Judiciary Law § 487; plaintiffs alleged that defendants engaged in a pattern of legal delinquency.

People v Jose Perez

APL-2018-00190

Crimes—Sex Offenders-- Sex Offender Registration Act—Whether Supreme Court erred when it assessed defendant 30 points for purposes of risk factor 9 based on a prior conviction of lewdness in New Jersey—whether prior New Jersey conviction for public lewdness constituted a "misdemeanor sex crime" under New York law.

People v Jose Delorbe

APL-2019-00003

Crimes—Plea of Guilty —Whether defendant was required to preserve Peque claim (see People v Peque, 22 NY3d 168 [2013]) where defendant was served with a notice of immigration consequences form at arraignment—Crimes—Vacatur of Judgment of Conviction—whether Supreme Court properly denied defendant’s CPL 440.10 motion without a hearing.