

CASE ISSUE STATEMENTS – MAY 2022

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, MAY 17: ELECTION MATTERS

WEDNESDAY, MAY 18:

Matter of Nonhuman Rights Project v Breheny (No. 52)

APL-2021-87

Habeas Corpus—When Remedy Available—Whether the common-law writ of habeas corpus lies on behalf of elephant.

Matter of Talbot V. v Kingsboro Psychiatric Center (No. 53)

APL 2021-150

Incapacitated and Mentally Disabled Persons—Involuntary Commitment—In a proceeding pursuant to Mental Hygiene Law § 9.33 for the involuntary retention of a patient not to exceed 24 months, whether Mental Hygiene Law § 9.31 requires the patient to be provided with a copy of their complete clinical record prior to a hearing on the petition; mootness.

People v Carlos Galindo (No. 54)

APL-2021-31

Crimes—Right to Speedy Trial—Whether the 2020 amendments to CPL 30.30 (1), adding a subdivision stating that “the term offense shall include vehicle and traffic law infractions,” has retroactive application to cases pending on direct appeal at the time the statute was amended; whether the legislature amended the statutory language so as to abrogate case law that statutory speedy trial analysis does not apply to traffic infractions.

THURSDAY, MAY 19:

ACE Securities v DB Structured Prods. (No. 34)

APL-2020-126

Limitation of Actions—Commencement of Action after Termination of Prior Action—Whether the trustee of a residential mortgage-backed securities trust is a "plaintiff" within the meaning of CPLR 205(a) when the prior action was commenced by the trust's certificateholders.

Matter of DCH Auto v Town of Mamaroneck (No. 55)

APL-2021-103

Taxation—Assessment—Whether petitioner, lessee of premises on which it paid real estate taxes, failed to satisfy a condition precedent to the commencement of an RPTL article 7 proceeding; petitioner filed administrative complaints under RPTL 524 in its own name rather than in the owner's name and was not identified in the complaints as an agent of the owner.

People v Sergio Cerda (No. 56)

APL-2021-122

Crimes—Evidence—Whether Supreme Court erred in applying the Rape Shield Law (CPL 60.42) to exclude evidence supporting an alternative explanation for the complainant's injuries.

People v Ron Hill (No. 57)

APL 2021-104

Crimes—Controlled Substances—Whether the accusatory instrument charging defendant with criminal possession of a controlled substance in the seventh degree, for the possession of an unspecified synthetic cannabinoid, was jurisdictionally defective, given that not all synthetic cannabinoids are illegal in this state.