

CASE ISSUE STATEMENTS- MAY 2025

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 Appeal Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

TUESDAY, MAY 13

Election Cases

WEDNESDAY, MAY 14

People ex rel. Welch v Maginley-Liddie (No. 53)

APL 2024-79

Bail—Whether the Appellate Division erred by holding that CPL 510.10(4)(t) applies when a defendant has had bail fixed on the underlying case; whether the Appellate Division erred by holding that the prongs of CPL 510.10(4)(t) were met when the People failed to provide any information about the allegations in the underlying case, purporting to rely on the existence of an out-of-county indictment appearing on a RAP sheet to meet the burden of showing reasonable cause to believe that the defendant committed an offense causing harm to a specific individual or group of individuals.

People ex rel Ellis v Imperati (No. 54)

APL-2024-140

Bail—Recognizance—Whether the crime of making a terroristic threat (Penal Law § 490.20) is a bail qualifying offense under CPLR 510.10 (4).

People v Baldner (Christopher) (No. 55)

APL 2024-156

Crimes—Indictment--Whether the Appellate Division erred by reinstating dismissed depraved indifference murder and reckless endangerment counts of the indictment; whether the Appellate Division improperly applied the “depraved indifference” mens rea to a law enforcement officer acting in the course of employment in a highway patrol car that effectuated a lawful stop and who was drawn into a high speed chase initiated by a non-compliant motorist.

Matter of Parents for Educational and Religious Liberty in Schools v Young (No. 56)

APL 2024-125

Schools—Whether parents have the right to fulfill the compulsory education mandate by arranging for their child to receive an education from a combination of sources; whether the State Education Department exceeded its authority by adopting and implementing regulations that authorize local schools to direct private school parents to unenroll their children from the school they chose for them and instead enroll them elsewhere.

THURSDAY, MAY 15

Matter of Bentkowski v City of NY (No. 57)

APL 2024-164

Estoppel—Promissory Estoppel—Whether promissory estoppel bars the City from adopting new healthcare plans and discontinuing others.

People v Salas (Christopher) (No. 58)

APL 2024-67

Crimes—Vacatur of Judgment of Conviction—Whether Supreme Court erred in denying defendant a reconstruction hearing based on an alleged violation of *People v O’Rama* (78 NY2d 270 [1991]); Crimes—Right to Counsel—Effective Representation—Whether counsel was ineffective for failing to pursue a *Wade/Rodriguez* hearing.

Matter of Hudson Valley Property Owners v City of Kingston (No. 59)

APL-2024-115

Landlord and Tenant—Rent Regulation—Whether respondent Common Council’s declaration of a public housing emergency under Emergency Tenant Protection Act of 1974 (McKinney’s Laws of NY § 8621 et seq. [EPTA]), as permitted by the Housing Stability and Tenant Protection Act of 2019 (L 2019, ch 36), was arbitrary and capricious; whether rent adjustment guideline and fair market rent guideline adopted by rent guidelines board exceeded the board’s authority under the ETPA.

People v Bacon (Zavearr) (No. 60)

APL 2024-0074

Crimes—Appeal—Preservation of Issue for Appeal—Whether defendant’s Confrontation Clause challenge was adequately preserved; Crimes—Right of Confrontation--Whether statements made to police at scene of crime for purpose of compiling complaint report qualify as nontestimonial under ongoing emergency exception to the Confrontation Clause.