

CASE ISSUE STATEMENTS- SEPTEMBER 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.

MONDAY, SEPTEMBER 8

Onondaga County v State of New York (No. 66)

APL-2025-88

Statutes-- Whether chapter 741 of the Laws of 2023, known as the Even Year Election Law, violates the New York Constitution or the United States Constitution.

SanMiguel v Grimaldi (No. 67)

APL 2024-109

Physicians and Surgeons—Lack of Informed Consent—Whether a plaintiff may recover for emotional harm where plaintiff asserts claim for lack of informed consent for procedure performed on child while in utero; child was born alive and plaintiff sustained no independent physical injury; Employment Relationships—Respondeat Superior—Vicarious Liability—whether defendant hospital can be held vicariously liable for negligence of nurse against whom plaintiff voluntarily discontinued action based on nurse's death.

People v Wright (Jason) (No. 70)

APL-2024-40

Crimes—Identification of Defendant—Whether witness had independent source for in-court identification where witness failed to identify defendant in pretrial identification procedure; Crimes—Sentence—Whether the decision to challenge allegations in a predicate felony statement is that of defendant personally or defendant's attorney.

Matter of First United v Town of Callicoon (No. 69)

APL 2024-146

Taxation—Exemptions--Whether petitioner's applications to declare certain real property owned by petitioner tax exempt should have been dismissed; whether the Appellate Division overlooked precedent that a property's use in violation of the town zoning code is a complete defense for the denial of an exemption under RPTL 420-a; whether the Appellate Division misapplied the burden of proof and impermissibly shifted the burden of proof to the town.

TUESDAY, SEPTEMBER 9

Matter of K.Y.Z. (No. 68)

APL 2025-71

Parent and Child—Termination of Parental Rights-- Whether agency made diligent efforts to encourage and strengthen parental relationship where a language barrier existed between parent and agency staff.

People v Everson (James) (No. 71)

APL 2024-135

Crimes—Consolidation and Severance--Whether the trial court erred in refusing to sever defendant’s trial from that of his codefendant; whether defendant acted with the intent to cause the death of another person when he allegedly fired multiple times into a crowd of twenty people at a park.

1995 CAM LLC v West Side Advisors (No. 72)

APL-2024-161

Landlord and Tenant—Rent—Whether tenant’s failure to obtain landlord’s written acceptance of the surrender of the premises precluded guarantor’s avoidance of liability.

Matter of Wagner v NYCDOE (No. 73)

APL 2024-61

Records—Freedom of Information Law-- Whether a Freedom of Information Law (FOIL) request can be denied as “not reasonably described” under New York Public Officers Law § 89(3) solely because an agency cannot successfully execute an electronic word search of its virtual files due to the large volume of records being searched by the agency; whether respondent failed to meet its burden of demonstrating that it made a “reasonable effort” under FOIL to retrieve the data maintained in its computer storage system in order to respond to the FOIL request.

Matter of NYCLU v OCA (No. 74)

APL 2024-143

Records—Freedom of Information Law—Whether the Appellate Division erred in concluding that petitioner failed to reasonably describe the records sought and that the records sought were exempt under the attorney-client or attorney work product privilege.

WEDNESDAY, SEPTEMBER 10

IntegrateNYC v State of NY (No. 75)

APL 2024-99

Schools—Whether plaintiffs’ complaint presents a justiciable controversy; whether plaintiffs stated a cause of action under the Education Article of the New York Constitution, the Equal Protection Clause, or the New York Human Rights Law; whether the State is a proper defendant with respect to alleged violations of the Education Article

People ex rel Kon v Maginley-Liddie (No. 76)

APL 2025-70

Habeas Corpus—Whether a reversed conviction is an appropriate basis for a more restrictive securing order than was imposed prior to defendant’s first trial.

People ex rel Barta v Molina (No. 52)

APL 2024-60

Habeas Corpus—Whether a criminal defendant ordered released under CPL 30.30(2)(a) can be subjected to electronic monitoring in the face of CPL 510.40(4)(d)’s characterization of such monitoring as confinement in custody; whether the Appellate Division erred in holding that the exception to the mootness doctrine was inapplicable to the question whether defendant could be incarcerated awaiting the imposition of electronic monitoring following the trial court’s order that he be released under CPL 30.30(2)(a).

People v Callara (Dino J.) (No. 77)

APL 2024-152

District and Prosecuting Attorneys—Special Prosecutor—Whether the indictment was properly dismissed on the ground that the special district attorney lacked jurisdiction because the court exceed its authority under County Law § 701 by appointing an attorney who did not live or maintain a law office in Orleans County or an adjacent county; whether the separation of powers is implicated when the district attorney did not challenge the appointment; whether, under the circumstances of this case, the Court should conclude that the residency requirement is not jurisdictional in nature under *Haggerty v Himelein* (89 NY2d 431 [1997]); whether, under the circumstances of this case, the Court should carve out an exception under *Matter of Working Families Party v Fisher* (23 NY3d 539) when a third party seeks disqualification as opposed to the district attorney;

People v Robinson (Savion) (No. 78)

APL 2024-73

Crimes—Suppression Hearing—Whether the courts below erred in holding that an "investigatory questioning" exception to *Miranda v Arizona* authorized the police to question appellant for 30 minutes while he was handcuffed.

THURSDAY, SEPTEMBER 11

People v Fuentes (Henry) (No. 79)

APL 2024-52

Crimes—Disclosure—Whether defendant's statutory right to a speedy trial was violated where People filed initial and supplemental certificates of compliance and statements of readiness before disclosing contents of Internal Affairs Bureau files for law enforcement officer who the People intended to call as a trial witness (*see* CPL 245.20 [1] [k] [iv]).

People v Licius (Richecarde) (No. 80)

APL 2024-47

Crimes—Right to Speedy Trial--Whether the People’s statement of readiness was untimely because, although the People transmitted it to the Unified Court System’s Electronic Document System on the last day of the CPL 30.30(1)(b) period, the New York City Criminal Court clerk’s office did not “review[]” the transmitted document until the next day (22 NYCRR 202.5-c(c)(3)); whether the People were not in fact ready to proceed to trial when the People transmitted the statement of readiness because, among other things, the transmission occurred after the 5:00 PM close of the New York City Criminal Court’s business hours on the last day of the CPL 30.30 period, at which time a trial could not be commenced.

People v Hernandez (Rosemary) (No. 81)

APL-2024-113

Crimes—Sentence—Whether the imposition of a term of postrelease supervision is permissible when an individual is convicted of a Class A felony and sentenced pursuant to the Domestic Violence Survivors Justice Act (*see* Penal Law § 60.12).

People v Arthur H. Morgan, Jr. (No. 82)

APL-2024-124

Crimes—Verdict—Sufficiency of the Evidence—Whether the evidence was legally sufficient to support the conviction of manslaughter in the first degree; Crimes—Witnesses—Expert Witness—Whether grand jury proceedings were impaired by forensic pathologist’s testimony as to the victim’s manner of death; Crimes—Suppression—Whether County Court erred in finding reconsideration of defendant’s suppression motion to be barred by law of the case; Crimes—Witnesses—Whether County Court erred in allowing witness to testify about domestic violence between the defendant; Crimes—Confrontation—Whether County Court’s admission of testimony from prior trial into evidence violated defendant’s right of confrontation—Crimes—Jurors—Challenge to Juror—Whether County Court erred in rejecting defendant’s Batson challenges; Crimes—Lesser Included Offense—Whether County Court erred in instructing the jury on the lesser included offense of manslaughter in the first degree.