

CASE ISSUE STATEMENTS - APRIL 2026

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, APRIL 14

Matter of Lawyers for Children v NYS Office of Children and Family Services (No. 37)

APL 2025-81

Proceeding Against Body or Officer—Whether respondent Office of Children and Family Services (OCFS) improperly acted without legislative authority by promulgating regulations creating a system of voluntary placement of children in “host homes” (18 NYCRR Part 444); whether respondent OCFS acted arbitrarily and capriciously by promulgating the subject regulations because they are inconsistent with existing law.

Matter of Abdoch v Abdoch (No. 38)

APL 2025-174

Parent, Child and Family—Whether an attorney for the children may pursue an appeal from a Family Court Act article 6 custody modification order when neither parent has perfected an appeal.

Mann v Mezuyon LLC (No. 39)

APL 2024-145

Labor—Safe Place to Work—Whether Industrial Code § 23-4.2 (k) is sufficiently specific to support Labor Law § 241(6) claim.

People v Flesch (Johnathon T.) (No. 40)

APL 2025-134

Crimes—Plea Bargaining—Enforcement of Agreement—Whether the People violated a term of the plea agreement and whether, as a result, defendant was entitled to sentencing before a different judge rather than, or in addition to, an opportunity to withdraw his plea, even though the original promised sentence was illegal.

111 West 57th v 111 W57 Mezz (No. 41)

APL 2025-45

Covenants—Covenant of Good Faith and Fair Dealing—Whether language in a contract related to the loan at issue bars a claim for breach of the implied covenant of good faith and fair dealing against the Apollo Lenders; whether plaintiff stated a claim for breach of contract based on a breach of the implied covenant of good faith and fair dealing against the Apollo Lenders; whether plaintiff stated a claim for tortious interference with contract based on a breach of the implied covenant of good faith and fair dealing against the Spruce defendants; whether plaintiff

stated a claim for tortious interference with contract against the Spruce defendants based on an alleged breach of a provision of the Joint Venture Agreement.

WEDNESDAY, APRIL 15

Matter of Andersen v Hein (No. 42)

APL 2025-99

Social Services—Public Assistance—Whether the policy of respondent Commissioner of Temporary and Disability Assistance to obtain reimbursement for the full amount of interim assistance from Supplemental Security Income without providing a credit for the minimum wage equivalent of hours worked in work experience programs violates the Fair Labor Standards Act.

People v Harris (Jamien) (No. 43)

APL 2025-144

Crimes—Double Jeopardy—Whether prosecution of the murder indictment was barred by CPL 40.40 because the conduct underlying the charge of murder was part of the same criminal transaction as conduct underlying previous charges against defendant for firearm possession.

People v Brazeal (Jarelle) (No. 45)

APL 2025-111

Crimes—Sentence—Probation—Whether Supreme Court properly imposed a probation condition, under Penal Law § 65.10, requiring defendant to consent to searches of his person, vehicle, and place of abode for firearms and other weapons by a probation officer or agent.

People v Lora (Miguelina) (No. 46)

APL 2025-145

Crimes—Sentence—Probation—Whether Supreme Court properly imposed a probation condition, under Penal Law § 65.10, requiring defendant, who was convicted of aggravated driving while intoxicated, to consent to searches of her person, vehicle, and place of abode.

People v Meyers (Joseph A.) (No. 44)

APL 2025-109

Crimes—Appeal—Whether the reconstruction hearing was adequate to protect defendant's right of appeal; whether the reconstruction court erred in denying defendant's motion to, among other things, compel the People to provide him with copies of or access to original trial exhibits that had been returned to the People following trial.

THURSDAY, APRIL 16

Quinones Garcia v Monadnock Construction (No. 26)

APL-2025-74

Statutes—Retroactive Application of Statute—Whether Justice for Injured Workers Act (L 2022, ch 835), which generally bars courts from giving collateral estoppel effect to findings and decisions by workers' compensation law judges and the Workers' Compensation Board, applies retroactively.

People v Townsend (Kenneth) (No. 48)

APL 2025-120

Crimes—Sex Offenders—Sex Offender Registration Act—Whether defendant’s prior criminal history was adequately taken into account by the guidelines such that County Court erred in granting the People’s request for an upward departure.

People v Green (Hikeem) (No. 49)

APL 2025-119

Crimes—Sex Offenders—Sex Offender Registration Act—Whether proffered grounds for downward departure—including employment, a family support network, and completion of sex offender treatment—were adequately taken into account by the guidelines such that they did not constitute mitigating circumstances.

People v Carnegie (Elijah) (No. 50)

APL 2025-118

Crimes—Sex Offenders—Sex Offender Registration Act—Whether defendant’s age at the time of offense was adequately taken into account by the guidelines such that it did not constitute a mitigating circumstance for purposes of the downward departure request; whether proffered grounds for downward departure—including family support—were adequately taken into account by the guidelines such that they did not constitute mitigating circumstances.

People v Dockery (Anthony) (No. 51)

APL 2025-117

Crimes—Sex Offenders—Sex Offender Registration Act—Whether defendant’s age at the time of offense was adequately taken into account by the guidelines such that it did not constitute a mitigating circumstance for purposes of the downward departure request; whether Supreme Court was required to consider the potential application of the Sexual Assault Reform Act residency restrictions in connection with defendant’s request for a downward departure.