

## **CASE ISSUE STATEMENTS- JANUARY 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, JANUARY 6***

### **Cruz v Banks (No. 1)**

CTQ-25-2

Schools—When a student is covered by more than one class size regulation under [8 NYCRR] § 200.6(h)(4), do the varying restrictions serve as distinct requirements that must be independently fulfilled or as a list of class size options from which the DOE may pick?

### **People v Galindo (Carlos) (No. 2)**

APL-2024-144

Motor Vehicles—Operation Vehicle While Under Influence of Alcohol or Drugs—Whether the People failed to present legally sufficient evidence to establish that defendant operated motor vehicle; whether jury instruction on operation of a motor vehicle was misleading.

### **People v Morel (Agustin) (No. 3)**

APL-2024-86

Motor Vehicles—Whether the accusatory instrument charging defendant with driving while ability impaired by drugs was facially insufficient when its factual allegations failed to demonstrate that his use of marijuana either rendered him incapable of employing, or actually impaired, the physical and mental abilities which he is expected to possess in order to operate a motor vehicle as a reasonable and prudent driver and when the complaint contained no allegations about his manner of driving, nor any other indicia of impairment such as slurred speech or stumbling, and defendant had merely consumed “two puffs” of marijuana (US Const, Amend XIV; NY Const, art 1, section 6; CPL 100.15[3], 100.40; VTL § 1192[4]).

### **People v Dondorfer (Phillip) (No. 4)**

APL 2025-59

Motor Vehicles—Operating Vehicle while Under Influence of Alcohol or Drugs—Whether the grand jury was properly instructed on what facts the People must prove to establish that a person was driving while "impaired" by drugs or a combination of drugs and alcohol (Vehicle and Traffic Law § 1192 [2-a] [b]; [4-a]).

**People v Ambrosio (Jason J.) (No. 5)**

APL 2025-72

Crimes—Right to Counsel—Whether trial counsel was ineffective for, among other things, failing to request a jury instruction defining “impairment” under Vehicle and Traffic Law § 1192 (4).

*WEDNESDAY, JANUARY 7*

**Russell v Town of Mount Pleasant (No. 6)**

APL 2025-17

Records—Freedom of Information Law—Whether the Town was properly directed to disclose private email addresses of town residents.

**Matters of M. S. and G. H. (No. 7)**

APL 2025-11

Parent and Child—Abused or Neglected Child—Whether videos allegedly depicting mother's boyfriend sexually abusing mother's daughter were sufficiently authenticated and therefore admissible in child-protective proceedings brought against mother; whether Family Court erred in finding mother abused daughter based on evidence that mother knew or should have known about sexual abuse and did nothing to prevent it; whether derivative-abuse finding as to mother's son was supported by record evidence.

**People v Guerrero (Errick) (No. 8)**

APL 2025-69

Crimes—Adolescent Offenders—Raise the Age—Whether the trial court abused its discretion in granting the People's motion under CPL 722.23(1)(b) based on the existence of “extraordinary circumstances” to prevent removal of defendant's case to Family Court.

**People v Anderson (Kelly) (No. 9)**

APL-2024-179

Crimes—Verdict—Sufficiency of Evidence—Whether Appellate Division applied correct legal standard in weighing evidence; whether conviction was supported by legally sufficient evidence; Crimes—Right to Counsel—Effective Representation—Whether defense counsel was ineffective; Crimes—Proof of Other Crimes—Whether trial court properly allowed testimony relating to prior abuse of victim.

**Aras v B-U Realty Corp (No. 10)**

APL 2024-9

Landlord and Tenant—Rent Regulation--Whether the parties' dispute concerning defendants' fraudulent scheme is barred by collateral estoppel; whether the Appellate Division improperly granted summary judgment, in effect, in defendants' favor on fraud and the calculation of damages; whether the Appellate Division properly determined that the landlord did not engage in a fraudulent scheme; whether the Appellate Division erred in determining that undisputed overcharges within the lookback period should not be considered in determining the reliability of the base date rent.

**THURSDAY, JANUARY 8**

**Beadell v Eros Management (No. 11)**

APL 2025-73

Negligence—Duty—Whether a hotel owner and operator can be held liable for failing to prevent a guest’s suicide under a theory of assumed duty where the hotel did not immediately call the police at a family member’s request.

**People v Alba (Darling) (No. 12)**

APL 2024-180

Crimes—Whether a waiver of the right to be present at jury-selection sidebar conferences limited to those where jurors want to “talk privately” allow the court to exclude defendant from sidebar conferences where there is no indication that the prospective juror has privacy concerns; whether it is an error of law to refuse a defendant’s request to rescind his waiver of the right to be present at jury-selection sidebar conferences before a single juror is questioned, the scope of the sidebar questioning exceeds what had been explained to defendant, and the court offers no reason for its denial.

**People v Rios (Jonathan) (No. 13)**

APL 2025-37

Crime—Plea of Guilty—Whether the *People v Lopez* (71 NY2d 662 [1988]) exception to the preservation rule can be triggered by post-allocation statements made at sentencing which call into question the voluntariness of the guilty plea or negate an element of the offense.

**People v Zubidi (Amado) (No. 14)**

APL 2024-160

Crimes—Unlawful Search and Seizure—Whether the police may presume, for purposes of establishing reasonable suspicion to justify a car stop, that the car’s unidentified driver is the same driver who was involved in a criminal act weeks earlier.