

CASE ISSUE STATEMENTS - MARCH 2026
Bronx Hall of Justice, Jury Assembly Room, Bronx, New York

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, MARCH 10

Matter of Smith v Town of Thompson Planning Board (No. 27)

APL 2024-177

Environmental Conservation—Environmental Impact Statement—Whether Planning Board's negative declaration of environmental significance and issuance of a special use permit and site plan approval were unlawful, arbitrary and capricious; whether the Planning Board was required to refer project to Town's Zoning Board of Appeals to determine whether project was a permitted or prohibited use under zoning code.

People v Palacios (Miguel Angel) (No. 28)

APL 2025-97

Crimes—Suppression Hearing—Whether the existence of a probable cause "I-card" and the testimony of the officer who issued the I-card was sufficient to establish the legality of defendant's arrest at a suppression hearing when the arresting officer did not testify; whether the evidence at the suppression hearing established that defendant properly waived his *Miranda* rights when the People did not enter into the record a translation of the Spanish interrogation and defendant was told that he had to answer officers' questions.

People v Ehinmiakhena (David) (No. 29)

APL 2025-14

Crimes—Unlawful Search and Seizure—Whether defendant's identity, his Department of Motor Vehicles records and police officer's post-stop observations of defendant were suppressible as fruit of unlawful police conduct.

WEDNESDAY, MARCH 11

Second Child v Edge Auto, Inc. (No. 30)

APL 2025-112

Motor Vehicles—Rental Cars—Whether the Graves Amendment (49 USC 30106) supersedes Vehicle and Traffic Law § 370 as interpreted by *ELRAC, Inc. v Ward* (96 NY2d 58, 78 [2001]); whether the Graves Amendment is "reverse preempted" by VTL § 370 under the McCarran Ferguson Act (15 USC 1012[b]).

People v Woods (Travis) (No. 31)

APL 2025-33

Crimes—Right to Speedy Trial—Whether the State violated the speedy-trial right (US Const amend. 6; NY Const art I § 6) by delaying—after three trials resulting in deadlocked juries—the fourth trial by more than three years; Crimes—Right to Counsel—Effective Representation; whether fourth-trial counsel was ineffective under the state and federal constitutions in, among other things, failing to object to identification and prior-bad-act evidence; whether CPL 310.30, which requires notice of a deliberating jury’s request for “the content or substance of any trial evidence” or “any matter pertinent to the jury’s consideration of the case,” requires notice of a jury’s request for a prosecution trial exhibit; whether prejudice is presumed under *Molina-Martinez v United States*, 578 US 189 (2016); whether the Appellate Division erred in holding that the first trial court’s failure to provide notice of substantive jury notes was harmless.

People v Roper (Naim) (No. 32)

APL 2025-24

Crimes—Right to Speedy Trial--Whether the trial court erred in denying defendant’s CPL 30.30 motion as untimely and not on reasonable notice when counsel sought to file the motion the day after the prosecution had, for the first time, answered ready in court and before the case was sent out to a trial part; whether the trial court erred in refusing to grant a defense request for an adverse inference instruction regarding the Department of Corrections’s destruction of surveillance video of the incident when the video was material and the Department was the investigating agency.

THURSDAY, MARCH 12

Matter of Bi-Coastal Properties v Soliman (No. 33)

APL 2025-136

Taxation—Assessment—Whether the Appellate Division properly granted respondents’ cross-motion to dismiss the petition because petitioner’s application challenging an alleged overassessment resulting from the failure to apply an increase in physical value of the property and an exemption following certain work, was reviewable exclusively under RPTL article 7; whether the Department of Finance committed a clerical error which can be reviewed under CPLR article 78.

People v N.H. (No. 34)

APL 2025-25

Crimes—Plea of Guilty—Whether a defendant’s right to a Penal Law § 60.12 hearing under the Domestic Violence Survivors Justice Act is waivable as a condition of a plea agreement.

People v Burgess (Warren) (No. 35)

APL 2025-83

Crimes—Accusatory Instrument—Whether the intermediate appellate court should have dismissed the accusatory instrument in its entirety when defendant successfully challenged the facial sufficiency of the charge to which he pleaded guilty and the element of the jurisdictionally defective count applied to each other count.