

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office

**July 23 through July 29, 2010**

Each week, the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed 60 days after the appeal was taken; respondent's brief to be filed 45 days after the filing of appellant's brief; and a reply brief, if any, to be filed 15 days after the filing of respondent's brief.

**The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.**

BUENO (CHRISTIAN), PEOPLE V:

2<sup>ND</sup> Dept. App. Div. order of 3/16/10; affirmance; leave to appeal granted by Smith, J., 7/21/10;

CRIMES - ASSAULT - ASSAULT OF UNIFORMED EMERGENCY MEDICAL TECHNICIAN GETTING INTO AMBULANCE - REQUISITE INTENT - PENAL LAW § 120.05(3) - SUFFICIENCY OF EVIDENCE THAT DEFENDANT INTENDED TO INTERFERE WITH THE TECHNICIAN'S PERFORMANCE OF A LAWFUL DUTY; Supreme Court, Kings County convicted defendant, upon a jury verdict, of assault in the second degree, and imposed sentence; App. Div. affirmed.

HILL (GREGORY), PEOPLE v:

4<sup>TH</sup> Dept. App. Div. order of 2/11/10; affirmance; leave to appeal granted by Lippman, Ch.J., 7/21/10;

CRIMES - VERDICT - WHETHER JURY VERDICT FINDING DEFENDANT GUILTY OF ASSAULT IN THE SECOND DEGREE IN CONNECTION WITH THE USE OF A WEAPON WHILE SIMULTANEOUSLY FINDING HIM NOT GUILTY OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE IS REPUGNANT; JURORS - ALLEGED DENIAL OF FAIR TRIAL AND DUE PROCESS BECAUSE TRIAL COURT DID NOT READ JURY NOTE VERBATIM TO DEFENSE COUNSEL BEFORE SUMMONING THE JURY TO THE COURTROOM;  
Supreme Court, Erie County convicted defendant, upon a jury verdict, of assault in the second degree; App. Div. affirmed.