

# State of New York Court of Appeals

Summaries are prepared based on the parties' briefs and are for background purposes only.

To be argued Wednesday, September 10, 2025

**IntegrateNYC v State of New York** (228 AD3d 152 [AD1])  
Court PASS Docket No. APL-2024-00099

The New York City public school system is the largest in the United States, with more than 1,850 schools and over one million students from diverse ethnic and racial backgrounds. IntegrateNYC, Inc., a youth led organization “for racial integration and equity in New York City schools,” two parent organizations, and current and former public school students commenced this lawsuit against the State and the City, claiming that defendants violated the Education Article and the Equal Protection clause of the New York State Constitution (article XI, § 1; article 1, §11) and Executive Law § 296 (4) of the New York State Human Rights Law (NYSHRL) by creating a “racialized” admission pipeline, beginning with a single standardized test for the City’s Gifted & Talented (G&T) programs. The complaint states that the G&T Test, the Special High School Admissions Test (the SHSAT), and other standardized admission tests are “culturally biased” and not “pedagogically sound” and disadvantage “Black and Latinx students, who face culturally biased test language and tasks.” Apart from the segregation of the City’s schools caused by the racialized pipeline, the complaint also alleges that New York City public schools lack a “culturally responsive curriculum” and “teacher diversity;” fail to provide “sufficient training, support, and resources to enable administrators, teachers, and students to identify and dismantle racism;” create “hostile and discriminatory” school environments; and use “racially disproportionate discipline.”

Supreme Court dismissed the complaint, as nonjusticiable, holding it could not make educational policy by directing actions regarding curriculum content, testing content, employment diversity, employment policies, admission policies, and disciplinary policies. The court stated that the legislature, not the judiciary, is the proper branch of government to hear petitioners’ requests.

The Appellate Division, however, held that the complaint was justiciable, as it is “the province of the Judicial branch to define, and safeguard, rights provided by the New York State Constitution” and it is “the responsibility of the courts’ to do so, even if the ‘the courts might encounter great difficulty in fashioning and then enforcing particularized remedies appropriate to repair unconstitutional action on the part of the Legislature or the executive.’”

As to the alleged constitutional violations, the Appellate Division noted that the Court of Appeals interpreted the Education Article as requiring the State to offer students “a sound basic education,” and the complaint alleged such a claim. The equal protection claim, the court observed, presented a “close question,” but the complaint sufficiently pleaded an inference of discriminatory intent as to the culturally biased and pedagogically unsound standardized admissions tests.

For the statutory claim, the Appellate Division dismissed the claim against the State because the State is not a “public school,” and dismissed most of this claim against the City. The court found that the only part of the claim that could be pursued against the City was based on allegations that the City denied Black and Latinx students the use of its facilities by reasons of race through discriminatory admissions testing.

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**People ex rel. Kon v Maginley-Liddie** (234 AD3d 808 [AD2])  
Court PASS Docket No. APL-2025-00070

Diego Guerra was convicted, upon a jury verdict, of promoting a sexual performance by a child (19 counts) and possessing a sexual performance by a child (49 counts). Defendant was sentenced to a term of incarceration of at least 16 years. On defendant's appeal, a divided Appellate Division reversed the conviction and remitted for a new trial. The majority held that defendant's trial counsel was ineffective. The People applied to one of the dissenting Justices for leave to appeal to the Court of Appeals.

At a bail hearing upon remittal, defense counsel asked that Mr. Guerra be released on his own recognizance, to supervised release, or to electronic monitoring. The People opposed and argued that he should remain in custody. Supreme Court ordered that Mr. Guerra be remanded pending a new trial, stating it had considered "all the factors outlined in section 510.30 in the CPL" and found "the least restrictive means of assuring" defendant's return to court is continued remand.

Defense counsel Hannah Kon commenced this habeas corpus proceeding (CPLR article 70) in the Appellate Division against the Commissioner of the New York City Department of Correction, asserting that Supreme Court "disregarded both the purpose of bail and presumption of innocence" when it directed remand for defendant. Counsel argued that Supreme Court's securing order constituted an abuse of discretion, violated CPL 510.10 and, given the Appellate Division's reversal of defendant's conviction, defendant was now a "pretrial detainee" and thus entitled to pretrial liberty "like any other presumptively innocent person." The People countered that Supreme Court did not abuse its discretion given the severity of the charges, the overwhelming evidence of defendant's guilt, and the strong possibility that defendant would flee if not remanded. And, the People argued, the securing order was supported by the factors in CPL 510.10 and rested on a rational basis that was "beyond correction in a habeas proceeding."

The Appellate Division dismissed the writ, holding the determination of Supreme Court did not violate constitutional or statutory standards.

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To be argued Wednesday, September 10, 2025

**People ex rel. Barta v Molina** (220 AD3d 953 [AD2])

Court PASS Docket No. APL 2024-00060

In July 2023, Shyhied Gibson was arrested, arraigned and remanded to jail in the New York City Department of Correction without bail. Following his indictment by a grand jury, in October 2023, Mr. Gibson moved for his release because the People violated his statutory right to a speedy trial (CPL 30.30[2][a]).

Supreme Court determined Mr. Gibson was entitled to release pursuant to CPL 30.30(2)(a). Defense counsel argued that the court's options were to release Mr. Gibson on his own recognizance or release him on supervised release. The People asked for bail. On October 13, Supreme Court directed that Mr. Gibson be released on electronic monitoring.

On October 16, defense counsel reported to Supreme Court that Mr. Gibson's screening appointment for electronic monitoring was scheduled for October 19 and based on counsel's experience, Mr. Gibson was "likely to remain incarcerated for a couple weeks up to a month" before electronic monitoring was implemented, delaying Mr. Gibson's release. The court stated that Mr. Gibson would not be released until electronic monitoring had been implemented.

Defense counsel Peter A. Barta commenced this habeas corpus proceeding (CPLR article 70) in the Appellate Division against the Commissioner of the New York City of Correction, seeking Mr. Gibson's immediate release and arguing that once a criminal defendant has been ordered released pursuant to CPL 30.30(2)(a), the statute did not authorize electronic monitoring as a condition of release and, even if electronic monitoring could be imposed, there is "no lawful basis to continue a defendant's indefinite detention to await the imposition of such monitoring."

Shortly thereafter, Mr. Gibson was released with electronic monitoring.

The Appellate Division dismissed the writ, holding that the request for immediate release was moot and the exception to the mootness doctrine did not apply. The court also held that defense counsel failed to establish entitlement to any other relief sought.

# State of New York Court of Appeals

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To be argued Wednesday, September 10, 2025

**People v Dino J. Callara** (229 AD3d 1247 [AD4])

Court PASS Docket No. APL 2024-00152 *\*\*case materials not available*

In 2021, Dino J. Callara, a mechanic, was arrested based on allegations that he scrapped a car without the owner's consent. The Orleans County District Attorney recused himself and County Court appointed Anthony M. Bruce as a special district attorney to prosecute the case. Mr. Callara was indicted and charged with two counts of grand larceny in the fourth degree.

A jury convicted Mr. Callara of one count of grand larceny and two counts of petit larceny. On appeal, Mr. Callara argued that appointing Bruce as a special prosecutor was invalid because the law required the special prosecutor to live in Orleans County or an adjoining county and Mr. Bruce did not meet either requirement.

The Appellate Division agreed, reversed the conviction and dismissed the indictment. The court held that County Law § 701(1) allows a court to appoint a special district attorney where the district attorney is disqualified in a particular case, but the law explicitly states that the court only has authority to appoint an attorney at law "having an office in or residing in the county, or any adjoining county, to act as a special district attorney."

# State of New York

## Court of Appeals

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To be argued Wednesday, September 10, 2025

**People v Savion Robinson** (221 AD3d 435 [AD1])  
Court PASS Docket No. APL-2024-00073

Shortly before midnight on December 12, 2020, New York Police Department officers on foot patrol in Times Square saw two men fighting. The officers broke up the fight and placed both men in handcuffs. Officers asked both men “what happened?”

One of men, Mr. Robinson, said that he didn’t “have beef with [the other man]. Somebody just grabbed me. . . . You know I just punched [him] right out.” The other man said Mr. Robinson stole his bicycle and he was trying to get his bicycle back.

Both men remained handcuffed for approximately 30 minutes while officers reviewed video surveillance of the area. The video showed Mr. Robison approach an unattended bicycle and ride it for a few feet before the other man jumped onto Mr. Robinson, pulling him to the ground. Mr. Robinson stood up and began punching the man.

Mr. Robinson was arrested. Mr. Robinson argued the People could not use his statement at trial because he was in police custody and the officers did not advise him of his *Miranda* rights before asking him “what happened.” Supreme Court disagreed because, it said, the question “what happened” was not part of a custodial interrogation, but part of the officer’s investigation. At trial, Mr. Robinson’s statement and video evidence were admitted into evidence and the owner of the bicycle testified that Mr. Robinson repeatedly punched him in the face. Mr. Robinson was convicted of robbery in third degree.

The Appellate Division affirmed, holding that the testimony and video evidence showed that Mr. Robinson took the bike, attempted to flee with it, and punched and kicked the victim to either retain the bike or overcome the victim’s resistance to its taking, as required for a conviction of robbery in the third degree (Penal Law § 160.00[1]). As to Mr. Robinson’s statement to police, the court held that the officer’s question “what happened” was not a custodial interrogation requiring *Miranda* warnings. Both men were placed into handcuffs immediately after the police stopped the fight “as reasonable precautionary measures that did not elevate the detention to an arrest,” the court said (221 AD3d 435). In any event, the court observed, any error in admitting the statement was harmless considering the overwhelming evidence of guilt.