State of New York
Court of Appeals

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

To be argued Monday, September 8, 2025

Onondaga County v State of New York (238 AD3d 1535 [AD4])
Court PASS Docket No. APL-2025-00088

In New York, local elections are scheduled for odd-numbered years. Federal and state-wide elections are on the ballot in even-numbered years. To encourage participation in local elections, which have a lower voter turnout than elections in even-numbered years, the New York State Legislature enacted the Even Year Election Law.

The Even Year Election Law amended parts of the County Law, Town Law, Village Law and Municipal Home Rule Law so that elections for most county, town, and village officials would be held in even-numbered years, not odd-numbered years. The Even Year Election Law does not apply to elections for positions whose terms of office are set in the New York State Constitution, including town justice, sheriff, county clerk, district attorney, family court judge, county court judge, and surrogate court judge. The Even Year Election Law only applies to counties outside of New York City.

In these consolidated actions, plaintiffs claim the Even Year Election Law is unconstitutional because it violates article IX of the New York State Constitution, the provision that grants home rule powers to local governments.

Supreme Court agreed with plaintiffs, observing that the state constitution gives local governments authority to act on local matters and the State Legislature can only intrude in local affairs by enacting a general law, a special law, or when a substantial state interest is directly and substantially involved. The court held that the Even Year Election Law is not a general law, was not properly enacted as a special law, and applies only to a local issue.

The Appellate Division, Third Department, reversed and declared the Even Year Election Law constitutional. It said that article IX, section 1 of the New York State Constitution does not grant local governments the constitutional right to set the terms of offices for their officers and article IX, section 2 authorizes the State Legislature to adopt general laws, or special laws under certain circumstances, relating to the terms of offices for local government officials. The Appellate Division said that the Even Year Election Law fit within the constitutional definition of a general law---a general law "applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages"---because it applied to all counties outside of New York City. Because it is a general law, the court held the Even Year Election Law did not violate the constitution.

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SanMiguel v Grimaldi (229 AD3d 152 [AD1])
Court PASS Docket No. APL-2025-00088

On July 1, 2012, plaintiff Veronica SanMiguel, pregnant with her first child, was admitted to St. Barnabas Hospital to induce labor. On July 2, Dr. Grimaldi took over plaintiff's care. By 6:00AM on July 3, plaintiff was fully dilated. At 9:51AM fetal monitoring strips showed fetal bradycardia, a slower than normal heartrate. Dr. Grimaldi unsuccessfully attempted vacuum extraction twice, at 10:12AM and 10:15AM, and performed an emergent Caesarean section delivery at 10:23AM. SanMiguel's child was resuscitated at delivery and transported to the neonatal intensive care unit in serious condition. The child died eight days after his birth.

SanMiguel, on behalf of herself and as administrator of her child's estate, commenced this action against the hospital, Dr. Grimaldi, and others for medical malpractice as to her child and failure to obtain informed consent as to her child and herself. SanMiguel asserted that during labor on July 2 and in the early morning hours and throughout the morning of July 3, she asked for a Caesarean section delivery and told hospital staff that she did not want to deliver by vacuum extraction and did not consent to that procedure. Following the death of her child, SanMiguel received extensive mental health treatment, including an in-patient hospitalization.

Supreme Court granted Dr. Grimaldi judgment on all claims except SanMiguel's claim for emotional harm based on lack of informed consent.

The Appellate Division, in a 4-1 decision, affirmed Supreme Court's judgment as to Dr. Grimaldi. The majority recognized that in *Sheppard-Mobley v King* (4 NY3d 627 [2005]), the Court of Appeals held that a mother could not recover for emotional harm on a claim for medical malpractice where the child was born alive and mother did not suffer any physical injury. The majority said this case was different, and *Sheppard-Mobley* did not prevent SanMiguel's claim, because she sought to recover for emotional harm on her claim for lack of informed consent. The majority said lack of informed consent and medical malpractice are separate theories of recovery that involve different interests. If *Sheppard-Mobley* applied to claims of medical malpractice and lack of informed consent, the majority urged the Court of Appeals to revisit *Sheppard-Mobley*.

The dissenter stated that under *Sheppard-Mobley*, SanMiguel's claim must be dismissed because she did not suffer any physical injury from the lack of informed consent and her emotional damages arose solely from the physical injuries sustained by her child, who was born alive. The dissenter concluded that the child had viable claims of lack of informed consent and medical malpractice against Dr. Grimaldi.

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People v Jason Wright (215 AD3d 601 [AD1])
Court PASS Docket No. APL-2025-00040

On a bright and sunny day in April 2017 a group of people began to argue near Battery Place in lower Manhattan. The argument drew the attention of a bystander sitting in a car, FF. FF watched the argument for several minutes, including when a person stood about eight feet from the car she was in and fired between two and four shots from a gun, injuring two people.

The police arrested defendant as the shooter and asked FF to view a lineup. While FF was waiting to view the lineup in a reception area, the police led defendant, in handcuffs, into the reception area. At a lineup that included defendant, FF was unable to identify the shooter. FF told the police that the person she saw in the reception area was the shooter.

At trial, Supreme Court conducted an independent source hearing and determined FF had an independent basis for identifying defendant and allowed FF to identify defendant in court. A jury convicted defendant of Assault in the First Degree, Attempted Assault in the First Degree and Criminal Possession of a Weapon in the Second Degree.

At sentencing, the court asked defense counsel if counsel wanted to speak on defendant's status as a predicate violent felon. Defense counsel said no. Defendant spoke up on his own behalf, stating that he wanted to controvert a calculation relating to his incarceration in New Jersey. The court instructed defendant that he could not speak on his own behalf. The court sentenced defendant as a second violent felony offender.

The Appellate Division affirmed. The court said that, notwithstanding the witness's brief, accidental viewing of defendant in custody, she had an independent basis for her in-court identification. The court also held that defendant, "by way of counsel," waived any challenge to the predicate felony statement, notwithstanding that he "personally stated that he wanted to controvert the statement." The court rejected defendant's argument that CPL 400.15 allows a defendant to personally controvert prior periods of incarceration in predicate felony statement.

In response to defendant's constitutional challenge to CPL 400.15 based on *Erlinger v United States* (602 US 821 [2024]), the Attorney General has intervened in the appeal to defend the constitutionality of that statute.

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Matter of First United Methodist Church v Assessor, Town of Callicoon (230 AD3d 885 [AD3])
Court PASS Docket No. APL-2024-00146

First United Methodist Church is a not-for-profit religious corporation based in Flushing, Queens, where it has a church building and holds services for its congregation. In 2018, the church bought a 70-acre parcel in the Town of Callicoon, Sullivan County.

The Town of Callicoon denied the Church's application for property tax exemption in 2021 and 2022. Because the property is in a "rural district" where operating a church is not allowed, the Town asserted that the Church could not receive a religious exemption from property tax because the Church was using the property in violation of the Town's zoning laws.

At trial, a church trustee testified that the Church bought the property to hold retreats, not church services, and the property would be used to grow food that could be distributed to low-income residents of Flushing.

Supreme Court ruled that the Church was entitled to the property tax exemption, because the Church was not operating a church on the property in violation of the zoning laws. The court also rejected the Town's argument that the Church could not receive a tax exemption for 2022 because it did not file an exemption application for that year.

The Appellate Division affirmed in a 4-1 decision. The majority held that the trial evidence supported the finding that no regular or scheduled services were held on the property.

The dissenter concluded that the Church proved at trial that it was operating a religious retreat center, not a church. However, the dissenter would not have granted the Church a property tax exemption because operating a religious retreat center without a special use permit or permission, as the Church was doing on this property, violated the Town's zoning laws.