State of New York
Court of Appeals

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

To be argued Thursday, January 8, 2026

Beadell v Eros Management (229 AD3d 43 [AD1])
Court PASS Docket No. APL-2025-00073

Dr. Noah Beadell, a neurologist attending a medical conference, died by suicide after jumping from a ledge outside his Manhattan hotel room. Earlier that day, Dr. Beadell expressed suicidal ideations to his out-of-state family via telephone. At 6:40 p.m., his family contacted the hotel and requested a welfare check. Staff complied and, at 6:46 p.m., reported that Dr. Beadell "appeared fine." Dr. Beadell continued sending his family message indicating suicidal intent. At 7:12 p.m., his family again called the hotel and asked staff to contact the police. At 7:26 p.m., the hotel manager called the family to confirm whether they wanted police involvement. At 7:37 p.m., staff called 911 and an employee went in person to a nearby police precinct for assistance. Officers arrived, forced entry into the locked room, and found Dr. Beadell on the ledge. Efforts to talk him back into the room were unsuccessful.

Dr. Beadell's family sued the hotel and related entities for negligence, alleged that the hotel assumed a duty of care by agreeing to check on him and notify police, then breached that duty by delaying action. The hotel moved for summary judgment, maintaining it owed no legal duty to prevent suicide.

Supreme Court denied summary judgment. On appeal, the Appellate Division, First Department, in a 4-1 decision, reversed.

The majority recounted that hotels generally owe a duty to maintain safe premises but are not insurers of guests' safety. Liability for preventing suicide arises only in two circumstances: when the entity has physical custody (e.g., hospitals, jails) or is a mental health professional with expertise and control. The hotel was neither.

The majority acknowledged that an assumed duty could arise when conduct induces reliance and places the person in a more vulnerable position. However, it found the hotel's actions—checking the room and later calling 911—did not worsen the situation or create new risks. Any assumed duty was limited to those acts, and the hotel performed both reasonably.

The dissenting Justice opined that by assuring family it would check on Dr. Beadell and call police, the hotel induced reliance, causing the family to refrain from calling 911 themselves. This voluntary undertaking imposed a duty to act with reasonable care. The dissent pointed to evidence of delays in calling 911 and accessing the room as sufficient to raise a triable issue of fact regarding breach.

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People v Darling Alba (224 AD3d 461 [AD1])
Court PASS Docket No. APL-2024-00180

In January 2019, around 3:30 a.m., Darling Alba and another person entered the gated backyard of a Manhattan apartment building. Surveillance footage showed Mr. Alba crouching at a basement apartment window and making hand movements, suggesting an attempt to open it. He left after less than a minute, returned briefly, and again appeared to try to pry the window before fleeing. No damage or forced entry marks were found.

Mr. Alba was arrested and charged with attempted burglary in the second degree. Before jury selection, the court advised him of right to be present at every stage of the trial and confirmed that Mr. Alba wanted to waive that right (*see People v Antommarchi*, 80 NY2d 247).

The court explained:

> "You have a right to be present at every stage of the trial and that includes conferences and where jurors want to discuss in private. When jurors want to talk privately, you're agreeing to have your attorney be present and waive your personal appearance."

The court added, "[i]n other words, your lawyer will tell you what's being said. Not that it is a secret from you, you just won't be present." Mr. Alba orally agreed and executed a written waiver, stating that he had been advised of his right to be present at sidebar conferences during the trial, including jury selection and, after consulting with counsel, "waive[d] his right to be present at such conferences" and agreed to remain in his seat at the defense table during all such sidebar conferences.

As jury selection began, the court asked prospective jurors to form a line for individual questions. Mr. Alba's counsel remarked, "My client should hear" and said he would prefer jurors "say it out loud." The court responded, "You waived *Antommarchi*." Sidebars with jurors proceeded without Mr. Alba present. The jury convicted him of attempted burglary in the second degree.

On appeal, Mr. Alba argued his *Antommarchi* waiver was limited to sidebars where jurors wished to speak privately and, even if broader, the trial court erred in denying his request to rescind it before any juror was questioned. He also challenged the sufficiency of the evidence. The People countered that Mr. Alba knowingly waived his right to attend all sidebar conferences, confirmed by a signed written waiver and oral colloquy, and never sought to rescind the waiver. The Appellate Division, First Department, affirmed, holding Mr. Alba did not preserve his claim and, alternatively, the trial court's refusal to allow rescission would not constitute an abuse of discretion.

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To be argued Thursday, January 8, 2026

People v Jonathan Rios (225 AD3d 1285 [AD4])
Court PASS Docket No. APL-2025-00037 **case materials not available*

Jonathan Rios pleaded guilty to one count of robbery in the second degree in full satisfaction of an indictment charging two counts of robbery in the second degree.

During the plea proceeding, under oath, Mr. Rios admitted that on August 27, 2019, he forcibly stole money, lighters, cigarettes and beer from a clerk at a 7-Eleven and, while doing so, displayed what appeared to be a pistol, revolver or other firearm. The court accepted the guilty plea and ordered the probation department to prepare a presentence investigation report (PSR) before sentencing.

In his PSR interview, Mr. Rios said that he did not rob anyone. At sentencing, the court questioned Mr. Rios about his statements to the probation department. After an exchange between the court and Mr. Rios, where Mr. Rios said that he stood by his statements in the PSR interview but ultimately said he was guilty, the court proceeded with sentencing and imposed the agreed-upon sentence.

On appeal, Mr. Rios argued that his post-plea statements cast doubt on his guilt and required vacatur of his plea. The Appellate Division, Fourth Department, rejected this argument, holding that his challenge to the voluntariness of the plea was unpreserved because he did not move to withdraw the plea or vacate the judgment of conviction. The court further held that the case did not fall within the narrow exception to this preservation rule under *People v Lopez* (71 NY2d 662).

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To be argued Thursday, January 8, 2026

People v Amado Zubidi (233 AD3d 55 [AD1])
Court PASS Docket No. APL-2024-00160

On April 28, 2019, an eyewitness to a road-rage incident in Manhattan called 911 to report that the driver of a white Dodge Caravan threw a bottle and fired a gun at another car. The eyewitness provided the van's license plate number.

Police determined the plate was registered to a Dodge Caravan owned by Amado Zubidi and issued a "be on the lookout" (BOLO) safety alert describing the van and its plate number. The BOLO did not name Mr. Zubidi.

On May 17, 2019, a traffic enforcement agent approached a van illegally parked by a fire hydrant and scanned its registration to issue a ticket. The van suddenly sped away, nearly hitting the agent. The agent reported the van's description and plate number, which matched the BOLO.

The next morning, officers who responded to the May 17 incident saw the same van nearby and pulled it over. Mr. Zubidi was driving. During the stop, he retrieved a gun from the center console and pointed it at an officer. Police tased him and removed him from the van.

Mr. Zubidi was charged with multiple counts of criminal possession of a weapon, reckless endangerment, attempted assault and attempted murder. He moved to suppress all evidence from the stop, arguing police lacked reasonable suspicion. The trial court denied the motion.

Mr. Zubidi appealed from his conviction for second-degree criminal possession of a weapon and reckless endangerment. The Appellate Division, First Department, in a 4-1 decision, affirmed.

The majority held that the police had reasonable suspicion to stop the van based on the totality of the circumstances: the BOLO and license plate search linking the van to the April 28 shooting and the officers' knowledge of the May 17 incident where the same van nearly struck a traffic enforcement agent. The majority rejected the argument that police needed to identify the driver before the stop, holding that reasonable suspicion can rest on logical inferences from specific, articulable facts.

The dissent warned that relying on an "owner-driver inference" effectively creates an "owner-driver presumption," allowing police to stop cars based solely on prior involvement in a crime without individualized suspicion of the current driver.