

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, March 12, 2026

Matter of Bi-Coastal Properties v Soliman (234 AD3d 540 [AD1])
Court PASS Docket No. APL-2025-00136

Bi-Coastal Properties owns a rent-stabilized apartment building on Chatterton Avenue in the Bronx. After replacing more than 550 windows, Bi-Coastal sought a tax exemption and a tax abatement under the J-51 real-property tax incentive program.

Under the J-51 framework, the New York City Department of Housing Preservation and Development (HPD) determines eligibility for, and calculates the amount of, any tax abatement. If HPD approves an application, it issues a certificate of eligibility and transmits it to the New York City Department of Finance (DOF), which then applies the abatement. For the exemption, however, DOF independently determines whether the owner's J-51-qualifying expenses directly increased the property's assessed value.

HPD approved Bi-Coastal's application and DOF applied the J-51 abatement. DOF issued the property's annual assessment without granting any J-51 exemption.

Bi-Coastal submitted a "clerical error review" application to DOF. DOF denied the request, finding that "the issue in your application is not due to a clerical error or an error in description."

Bi-Coastal brought this CPLR article 78 proceeding challenging DOF's determination. It argued that DOF's own rules permit correction of errors in description, including failure to record a "physical change" on the assessment roll, and relied on language in the assessor's handbook suggesting that window replacements or upgrades may warrant a physical-increase adjustment.

DOF responded that Bi-Coastal was improperly attempting to challenge an assessment through an article 78 proceeding. According to DOF, Bi-Coastal was contesting DOF's exercise of valuation judgment, and any such challenge must be brought in a Real Property Tax Law (RPTL) article 7 tax certiorari proceeding.

Supreme Court agreed with Bi-Coastal, granted the petition, and held that Bi-Coastal was entitled to J-51 exemption benefits.

On appeal, the Appellate Division, First Department, reversed. It held that Bi-Coastal's application—challenging the alleged overassessment of the property based on DOF's failure to apply an increase in physical value—could be reviewed only in an RPTL article 7 proceeding, not through clerical-error review in an article 78 proceeding.

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People v Nicole Hudson (232 AD3d 200 [AD2])
Court PASS Docket No. APL-2025-00025

Nicole Hudson's former boyfriend unexpectedly arrived at a block party at her home in July 2019. During the party, Ms. Hudson struck a person with her car, hit the person two additional times, and then dragged the person under the vehicle as she fled the area. The person survived but sustained significant injuries.

Ms. Hudson was charged with attempted murder in the second degree and two counts of assault in the first degree. She asked the trial court to determine her eligibility under the Domestic Violence Survivors Justice Act (DVSJA) for an alternative, reduced sentence (Penal Law § 60.12). In support of her request, Ms. Hudson submitted a psychological evaluation recounting her disclosures of incidents of domestic violence during her relationship with her former boyfriend. The evaluation concluded that she exhibited symptoms of post-traumatic stress disorder and that her actions at the block party may have been influenced by her history of exposure to trauma and violence.

Ms. Hudson pleaded guilty to one count of assault in the first degree in full satisfaction of the charges, in exchange for a five-year term of imprisonment followed by five years of postrelease supervision. Before she accepted the plea, the People advised her that the plea offer required her to waive a DVSJA hearing to determine her eligibility for a reduced sentence. Ms. Hudson agreed to that condition, and the court imposed the agreed-upon sentence.

On appeal, the Appellate Division, Second Department, reviewed the statutory language along with the purpose and policy goals of the legislature in enacting the statute and concluded that a DVSJA hearing may be waived.

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People v Warren Burgess (82 Misc3d 128[A] [App Term 1st])
Court PASS Docket No. APL-2025-00083

In July 2019, police officers in the Bronx approached a parked car with Warren Burgess sitting in the front seat. A search uncovered, among other items, a defaced pistol.

Mr. Burgess was charged in a felony complaint with third-degree criminal possession of a weapon, criminal possession of a firearm, and fourth-degree criminal possession of a weapon. Before any grand jury action, Mr. Burgess accepted a pre-indictment plea to the misdemeanor fourth-degree weapon possession charge and was sentenced to two years' probation. The criminal court dismissed the felony counts based on the prosecutor's representation that mitigating factors justified the plea.

On appeal, the People conceded—and the Appellate Term, First Department, held—that the fourth-degree weapon possession charge was jurisdictionally defective because the accusatory instrument did not include factual allegations that the firearm was operable. The court noted, however, that the only relief Mr. Burgess sought was dismissal of the accusatory instrument. He did not seek to have his plea vacated and the case remanded on the remaining charges; rather, he expressly asked the Appellate Term to affirm the conviction if it declined to dismiss the complaint. The Appellate Term reasoned that, in “light of the serious nature of the other charges contained in the felony complaint, a dismissal would not be appropriate,” and therefore affirmed.