

State of New York
Court of Appeals

Decisions

November 21, 2023

CASES

2 No. 83
The People &c.,
 Respondent,
 v.
Marcus Brown,
 Appellant.

Order reversed, with costs, and defendant's Sex Offender Registration Act designation vacated. Opinion by Judge Rivera. Chief Judge Wilson concurs. Judges Troutman and Halligan concur in result for reasons stated in sections I, II and V of the opinion. Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

1 No. 65
The People &c.,
 Respondent,
 v.
Ramon Cabrera,
 Appellant.

Order reversed and case remitted to Supreme Court, Bronx County, for further proceedings in accordance with the opinion herein. Opinion by Judge Halligan. Judges Garcia, Singas, Cannataro and Troutman concur. Judge Rivera dissents in an opinion, in which Chief Judge Wilson concurs.

2 No. 84
The People &c.,
 Respondent,
 v.
Tramel Cuencas,
 Appellant.

Order reversed and case remitted to Supreme Court, Kings County, for further proceedings in accordance with the opinion herein. Opinion by Chief Judge Wilson. Judges Rivera, Troutman and Halligan concur. Judge Cannataro dissents in an opinion, in which Judges Garcia and Singas concur.

4 No. 67
The People &c.,
 Respondent,
 v.
Carlos L. David,
 Appellant.

Order affirmed.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro and Troutman concur.
Judge Rivera dissents in an opinion.

1 No. 27
The People &c.,
 Respondent,
 v.
Anthony Debellis,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Chief Judge Wilson.
Judges Rivera, Troutman and Halligan concur.
Judge Cannataro dissents in an opinion, in which
Judges Garcia and Singas concur.

2 No. 76
The People &c.,
 Respondent,
 v.
Jorge Espinosa,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera dissents in an opinion.

1 No. 66
The People &c.,
 Respondent,
 v.
George Garcia,
 Appellant.

Order affirmed.
Opinion by Judge Halligan.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro and Troutman concur.
Judge Rivera dissents in an opinion.

3 No. 101 SSM 9
The People &c.,
 Respondent,
 v.
Victor Medina,
 Appellant.

On review of submissions pursuant to section 500.11
of the Rules, order affirmed, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

1 No. 63
The People &c.,
 Respondent,
 v.
Pablo Pastrana,
 Appellant.

Order affirmed.
Opinion by Judge Troutman.
Judges Garcia, Singas and Cannataro concur.
Judge Rivera dissents in an opinion.
Judge Halligan dissents in a separate opinion, in
which Chief Judge Wilson concurs.

4 No. 64
The People &c.,
 Respondent,
 v.
Jose M. Rivera,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Halligan concur.
Judge Rivera concurs in result in an opinion.

2 No. 78
The People &c.,
 Respondent,
 v.
Lance Rodriguez,
 Appellant.

Order reversed, defendant's motion to suppress
granted and indictment dismissed.
Opinion by Judge Rivera.
Chief Judge Wilson and Judges Troutman and
Egan Jr. concur.
Judge Singas dissents and votes to affirm in an
opinion, in which Judges Garcia and Cannataro
concur.
Judge Halligan took no part.

2 No. 62
The People &c.,
 Respondent,
 v.
Sebastian Telfair,
 Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Halligan.
Chief Judge Wilson and Judge Troutman concur.
Judge Rivera concurs in result in an opinion.
Judge Cannataro dissents and votes to affirm in an
opinion, in which Judges Garcia and Singas concur.

MOTIONS

2 Mo. No. 2023-567
In the Matter of Andrius Bagdziunas, et al.,
Appellants,
v.
Hauppauge Fire District,
Respondent.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that affirmed Supreme Court's denial of the disclosure motion, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.

3 Mo. No. 2023-656
In the Matter of Phillip Battease,
Appellant,
v.
Washington County DSS,
Child Support Services,
Respondent.

Motion for leave to appeal dismissed upon the ground that it does not lie.

2 Mo. No. 2023-402
In the Matter of Call-A-Head Portable Toilets,
Inc., et al.,
Appellants,
v.
New York State Department of
Environmental Conservation et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-579
The People &c.,
Respondent,
v.
Tiquan Davis,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2023-646
In the Matter of New York State Office of
Victim Services, &c.,
Respondent,
v.
Hamidou Diallo,
Appellant.

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the proceeding within the
meaning of the Constitution.

3 Mo. No. 2023-543
In the Matter of Estate of James Eckert, &c.

Michelle Eckert,
Appellant;
Tara Connelly,
Respondent.
(And Related Matters.)

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine an action or proceeding
within the meaning of the Constitution.

1 Mo. No. 2023-400
In the Matter of First NY LLC,
Respondent,
v.
New York State Division of Housing and
Community Renewal,
Respondent,
Greg Marshall,
Appellant.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2023-525
Five Star Electric Corp.,
Appellant,
v.
A.J. Pegno Construction Co., Inc./Tully
Construction Co., Inc., et al.,
Respondents.

Motion for leave to appeal denied.

4 Mo. No. 2023-506
In the Matter of Frank Garcia,
Appellant,
v.
Craig J. Doran, &c., et al.,
Respondents.

Motion, insofar as it seeks leave to appeal from that portion of the Appellate Division order that denied petitioner's motion for poor person relief, dismissed upon the ground that such portion of the order does not finally determine the proceeding within the meaning of the Constitution; motion for leave to appeal otherwise denied.
Motion for poor person relief dismissed as academic.
Judge Troutman took no part.

1 Mo. No. 2023-366
Integon National Insurance Company,
Respondent,
v.
Dong Dong Zhou et al.,
Defendants,
Jing Yi Lin,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-435
In the Matter of Major World Chevrolet,
L.L.C., et al.,
Appellants,
v.
Lorelei Salas, &c., et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-623
Dmitry Markov et al.,
Appellants,
v.
Grecian Gardens Co., et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2023-618
David L. Miller et al.,
Appellants,
v.
W Services Group, LLC,
Defendant.
Safety National Casualty Corp.,
Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2023-375
Jyothsna Natauri,
Respondent,
v.
Tiku Natauri,
Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2023-511
Jyothsna Natauri,
Respondent,
v.
Tiku Natauri,
Appellant.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2023-554
Ibukun Ogunbekun,
Appellant,
v.
Strong Memorial Hospital, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2023-582
Ibukun Ogunbekun,
Appellant,
v.
Strong Memorial Hospital, et al.,
Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

1 Mo. No. 2023-495
In the Matter of Nicholas Palomino,
Appellant,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2023-450
PJSC National Bank Trust,
Respondent,
v.
Natalia Pirogova,
Appellant.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

4 Mo. No. 2023-585
The People &c.,
Respondent,
v.
Jose Ponce,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2023-514
Deborah Pusatere, et al.,
Respondents,
v.
City of Albany, et al.,
Appellants.

Motion for leave to appeal granted.
Judge Halligan took no part.

3 Mo. No. 2023-562
Deborah Pusatere, et al.,
Respondents,
v.
City of Albany, et al.,
Appellants.

Motion by Community Voices Heard et al. for leave
to appear amici curiae on the motion for leave to
appeal herein granted and the proposed brief is
accepted as filed.
Judge Halligan took no part.

2 Mo. No. 2023-540
The People &c.,
Respondent,
v.
Zamor Radley, &c.,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2023-485
In the Matter of Victor M. Serby,
Appellant,
v.
City of New York, et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

3 Mo. No. 2023-641
In the Matter of Daniel TT.,
Respondent,
v.
Gabrielle UU.,
Appellant.
(And Another Related Proceeding.)

Motion for leave to appeal dismissed upon the
ground that the order sought to be appealed from
does not finally determine the proceedings within the
meaning of the Constitution.

2 Mo. No. 2023-624
The People &c.,
Respondent,
v.
George Wanzer,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

3 Mo. No. 2023-544
In the Matter of Atiq Akeem Weston,
Appellant,
v.
Thomas J. Loughren, &c.,
Respondent.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

4 Mo. No. 2023-603
In the Matter of Sonya Williams,
 Respondent,
 v.
County of Onondaga, et al.,
 Appellants.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.