

CASE ISSUE STATEMENTS

The calendar is subject to change. Please contact the Clerk's Office for any updated information.

If available, briefs, records and appendices can be viewed and downloaded from the Court of Appeals Public Access and Search System (Court-PASS), which is accessible from the home page on the Court's website.

TUESDAY, MAY 30:

Aristy-Farer, et al. v State of New York, et al.; New Yorkers for Students' Educational Rights v State of New York, et al. (No. 75)

APL-2017-00002

Schools--State aid to school districts--whether plaintiffs' complaints adequately stated a claim under the education article of the New York Constitution (art XI, § 1) based on their allegations that the underfunding of school districts throughout the state deprives students of the opportunity for a sound basic education--whether plaintiffs' complaints based on the education article should be dismissed insofar as they relate to districts as to which there were no particularized pleadings; parties--standing--whether plaintiff educational advocacy group has standing to assert education article claims as to school districts other than the seven school districts in which the individually named plaintiffs reside.

People v Darrell Spencer (No. 76)

APL-2016-00055

Crimes--Jurors--Qualification Inquiry--Whether the trial court erred in refusing to grant a mistrial when, on the fourth day of deliberations, after discharge of the alternate jurors, juror number one stated that she could not "separate [her] emotions from the case" and "d[id not] have it in her" to decide the case on the facts and law; Jury instructions--Intoxication charge--Purposeful behavior--Whether the trial court erred in refusing to give an intoxication charge in light of defendant's purposeful attempt to conceal the death of the victim; Search and seizure--Knowingly and voluntarily exiting apartment--Whether defendant's warrantless arrest was unlawful under Payton v New York (445 US 573 [1980]).

Myers v Schneiderman (No. 77)

APL-2016-00129

Constitutional Law--Validity of Statute--Whether Penal Law §§ 120.30 and 125.15, which prohibit physician-assisted suicide, violate the Equal Protection and Due Process clauses of the State Constitution and whether such statutes prohibit a licensed physician from engaging in the practice known as "aid in dying" to terminally ill, mentally competent adult patients.

WEDNESDAY, MAY 31:

Matter of Estate of Hennel (No. 78)

APL 2015-00337

Contracts--Agreement to satisfy mortgage out of estate assets--Whether the Appellate Division correctly held that, although decedent revoked prior will directing estate to pay mortgage on property he transferred by deed to his grandchildren, grandchildren established their claim against the estate for payment of the mortgage based upon the doctrine of promissory estoppel, and that the estate was estopped from invoking the statute of frauds defense because application of that defense would create an unconscionable result.

People v David Lofton (No. 80)

APL-2016-00108

Crimes--Sentence--Youthful Offender--Denial of youthful offender status--whether the trial court's statements at sentencing satisfied the requirement set forth in People v Middlebrooks (25 NY3d 516, 522 [2015]) that the court "determine on the record if [defendant] was an eligible youth due to the existence of one or more of the factors set forth in CPL 720.10 (3)."

People v Kevin M. Minemier (No. 81)

APL-2016-00081

Crimes--Sentence--Youthful Offender--Crimes--Sentence--Youthful offender--Denial of youthful offender status--Court's failure to state reasons for denial or disclose confidential information--Whether the Appellate Division erred in holding that, under People v Rudolph (21 NY3d 497 [2013]), CPL 720.20 (1) does not require the sentencing court to state its reasons for denying youthful offender status to a defendant; Whether the Appellate Division erred in holding that, under CPL 390.50, defendant was not entitled to disclosure of any information in a document included with the pre-sentence report on the basis that the source of the information was promised confidentiality.

THURSDAY, JUNE 1:

Gevorkyan v Judelson (No. 79)

CTQ-2016-00004

Bail--Bail Bonds--Whether an entity engaged in "bail business" as defined in Insurance Law section 6801(a)(1) may retain its premium or compensation as described in Insurance Law section 6804(a) where a bond posted pursuant to CPL 520.20 is denied at a bail-sufficiency hearing conducted pursuant to CPL 20.30 and the criminal defendant that is the subject of the bond is never admitted to bail.

People v Michael E. Prindle (No. 84)

APL-2016-00008

Crimes--Sentence--Whether the increase in defendant's prescribed minimum term based on his adjudication as a persistent felony offender and a judicial finding that "the history and character of the defendant and the nature and circumstances of his criminal conduct are such that extended incarceration and lifetime supervision of the defendant are warranted to best serve the public interest" (Penal law § 70.10 [2]) constitutes an increase in the prescribed minimum predicated on non-jury findings in violation of Apprendi v New Jersey (530 us 466 [2000]) or Alley v United States (_ US_, 133 S Ct 2151 [2013]); challenge to constitutionality of Penal Law § 70.10 and CPL 400.20.