

CASE ISSUE STATEMENTS – OCTOBER 2021

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 homepage on the Court's website.

TUESDAY, OCTOBER 5

White v Cuomo (No. 59)

APL 2020-27

Constitutional Law—State Constitutional Law—Whether article 14 of the Racing, Pari-Mutuel and Breeding Law violates article I, section 9 of the New York State Constitution.

People v Howard Powell (No. 22) (reargument)

APL-2019-86

Crimes—Witnesses—Whether Supreme Court erred in denying, after a hearing, defendant's motion to present expert testimony on the topic of false confessions.

People v Don Williams (No. 60)

APL-2020-130

Crimes—Instructions—Whether the trial court erred when, in response to a jury note, it projected a portion of the court's final instructions on a screen in view of the jury and simultaneously reread that portion of the charge to the jury; Crimes--Fair Trial--Whether defendant was deprived of a fair trial by a remark made by the court and comments of the prosecutor on summation and during cross-examination; Crimes--Jurors--Whether the trial court erred in denying defendant's for cause challenge of a prospective juror.

WEDNESDAY, OCTOBER 6

J.P. Morgan v Vigilant Ins. Co. (No. 61)

APL-2020-44

Insurance—Business Insurance— Disgorgement payment to Securities and Exchange Commission not insurable loss.

People v Donovan Buyund (No. 62)

APL-2020-104

Crimes—Sex Offenders—Whether sentencing court's certification of a defendant as a sex offender pursuant to the Sex Offender Registration Act is a part of the sentence component of a judgment of conviction and sentence; whether a conviction for burglary as a sexually motivated felony is a registerable sex offense under Correction Law 168-a (2) (a).

Ortiz v Ciox Health (No. 26)

CQ 2020-06

Actions—Does Section 18(2)(e) of the New York Public Health Law provide a private right of action for damages when a medical provider violates the provision limiting the reasonable charge for paper copies of medical records to \$0.75 per page?

THURSDAY, OCTOBER 7

People v Tyrone Wortham (No. 63)

APL-2019-167

Crimes—Confession—Statement Made in Response to Pedigree Question—Whether admissions made in response to routine booking questions asked during the execution of a search warrant that are not designed to elicit an incriminating response are admissible under the pedigree exception to the requirements of *Miranda v Arizona* (384 US 436), even if the answer is reasonably likely to be incriminating; Crimes—Evidence—DNA Identification Tests—Whether defendant was entitled to a hearing pursuant to *Frye v United States* (293 F 1013 [DC Cir 1923]) to determine the reliability of forensic statistical tool DNA evidence.

Matter of Verneau v Consolidated Edison (No. 64)

APL-2020-43

Workers' Compensation—Reopened cases—Workers' Compensation Law 25-a(1-a)

Matter of Rexford v Gould Erectors (No. 65)

OGLCA APL-2020-42

Workers' Compensation—Reopened cases—Workers' Compensation Law 25-a(1-a)