

CASE ISSUE STATEMENTS – OCTOBER 2023

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 17

Matter of Black v NYS Tax Appeals Tribunal (No. 86)

APL-2022-109

Taxation—Personal Income Tax—Employee Withholding Taxes—Whether the determination of the Tax Appeals Tribunal holding petitioner responsible for a corporation’s tax liability has a rational basis and is supported by substantial evidence (see Tax Law § 685).

People v Yoselyn Ortega (No. 74)

APL-2022-62

Crimes—Right of Confrontation—Whether introduction of an autopsy report through the testimony of a medical examiner who did not conduct the autopsy violated defendant’s right to confrontation; whether the trial court responded meaningfully to a jury note; whether the trial court erred in denying a mistrial motion based on testimony that allegedly appealed to the jurors’ sympathy.

People v Donna Jordan (No. 75)

APL-2022-97

Crimes—Right of Confrontation—Whether defendant’s right to confrontation was violated by the testimony of a criminalist from the Office of the Chief Medical Examiner (OCME); whether defendant was denied a fair trial due to prosecutorial misconduct.

People v Jorge Espinosa (No. 76)

APL-2022-154

Crimes—Right to Counsel—Effective Representation--Whether trial counsel was ineffective for failing to object on Confrontation Clause grounds to the admission of DNA evidence through a criminalist who did not perform the DNA testing.

WEDNESDAY, OCTOBER 18

Brettler v Allianz Life Ins. (No. 77)

CTQ-2022-04

“Where a life insurance policy provides that ‘assignment will be effective upon Notice’ in writing to the insurer, does the failure to provide such written notice void the assignment so that the purported assignee does not have contractual standing to bring a claim under the Policy?”

People v Lance Rodriguez (No. 78)

APL-2021-143

Crimes—Unlawful Search and Seizure—Whether police lawfully stopped defendant when he was riding on a bicycle.

Matter of Rochester Police Locust Club v City of Rochester (No. 81)

APL-2021-184

Local Laws—Inconsistency with State Law—Whether Local Law No. 2 (2019), which amended the Rochester City Charter to establish Police Accountability Board to investigate and make determinations respecting complaints of misconduct against Rochester police officers, conflicts with the Taylor Law.

THURSDAY, OCTOBER 19

Police Benevolent Association v City of New York (No. 82)

APL-2022-78

Constitutional Law—Validity of Statute—Whether the Administrative Code of the City of New York § 10-181, which makes it a criminal misdemeanor to use certain methods of restraint in the course of effecting or attempting to affect an arrest, is unconstitutionally vague or preempted by New York State law.

People v Marcus Brown (No. 83)

APL-2022-95

Crimes—Sex Offenders—Whether Sex Offender Registration Act (Correction Law art 6-C) is unconstitutional as applied to defendant, where underlying crime of unlawful imprisonment did not involve any sexual component.

People v Tramel Cuencas (No. 84)

APL-2021-96

Crimes—Unlawful Search and Seizure—Whether warrantless of arrest of defendant at home, absent exigent circumstances, violated defendant's right to counsel under the New York State Constitution; Supreme Court found that no Payton violation occurred (see Payton v New York, 445 US 573 [1980]), where resident of second floor apartment of two-family residence tacitly consented to police entry into residence and defendant was arrested without warrant in first-floor apartment.

People v Anthony Debellis (No. 27)

APL-2022-107

Crimes—Right to Counsel—Effective Representation—Whether defendant was deprived the effective assistance of counsel as the result of counsel's failure to request a jury instruction on the defense of voluntary surrender of a firearm (Penal Law 265.20[a][1][f]); whether defense counsel created a conflict of interest when, in response to defendant's pro se motion to set aside the verdict on ineffective assistance of counsel grounds, counsel stated that he had been effective at trial.