



*State of New York  
Court of Appeals*

Vol. 42 - No. 4  
3/11/22

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COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed  
by the Court of Appeals Clerk's Office

**January 28, 2022 through February 3, 2022**

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

**The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.**

SECKY v NEW PALTZ CSD:

3rd Dept. App. Div. order of 6/24/21; reversal; leave to appeal granted by the Court of Appeals 1/11/22;

**Negligence--Assumption of Risk--Whether a question of fact exists as to whether infant plaintiff assumed the risk of injuries sustained during basketball drill;** Supreme Court, Ulster County, denied defendants' motion for summary judgment dismissing the complaint; App. Div. reversed, granted defendants' motion for summary judgment, and dismissed the complaint.

PEOPLE v TELFAIR:

2nd Dept. App. Div. order of 10/6/21, affirmance; leave to appeal granted by Barros, J., 12/29/21; Rule 500.11 review pending;

**Crimes--Proof of Other Crimes--Where defendant was charged with various crimes involving weapons possession, whether Supreme Court properly allowed the People to introduce into evidence proof of prior uncharged crime regarding possession of a gun and prior conviction for criminal possession of a weapon under the state-of-mind exception to *People v Molineux* (168 NY 264 [1901]);**  
Supreme Court, Kings County, convicted defendant of criminal possession of a weapon in the second degree and imposed sentence; App. Div. affirmed.