



*State of New York
Court of Appeals*

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*Lisa Le Couts
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

COURT OF APPEALS NEW FILINGS

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

August 19, 2022 through August 25, 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.

DEBELLIS (ANTHONY), PEOPLE v.:

1st Dept. App. Div. order of 5/19/22; affirmance; leave to appeal granted by Rivera J., 8/8/22;

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; Supreme Court, Bronx County, convicted defendant of criminal possession of a weapon in the second and third degrees and criminal possession of a firearm, and imposed

sentence; App. Div. affirmed.

REID (DWIGHT), PEOPLE v:

1st Dept. App. Div. order of 3/8/22; modification; leave to appeal granted by DiFiore, Ch.J., 8/8/22;

Crimes--Right to a Public Trial--Whether defendant was denied his constitutional right to a public trial when the trial court closed the courtroom midtrial to all spectators based on alleged intimidating behavior by certain spectators; Crimes--Right to Counsel--Effective Representation--Whether defendant was denied his right to effective representation as a result of counsel's failure to request replacement of a sworn juror.

Supreme Court, New York County, convicted defendant of murder in the second degree and criminal possession of a weapon in the second degree (two counts) and sentenced defendant, as a persistent violent felony offender, to an aggregate term of 50 years to life; App. Div. modified the judgment to the extent of directing that all sentences be served concurrently, and otherwise affirmed.