

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, APRIL 25 (in White Plains)

Matter of CNY v NYS Nurses Association (No. 53)

APL 2015-00282

Labor Unions--Disciplinary Proceedings-- Disclosure of information to employee--Employer's duty to furnish data normally maintained in the regular course of business--Whether the Board of Collective Bargaining of the City of New York (BCB) properly granted petitioner union's improper practice charge to the extent of directing the City to provide pre-hearing discovery in an employee disciplinary proceeding--Administrative Code of the City of New York 12-306(a)(1) and (4).

Matter of Avella v City of New York (No. 54)

APL-2015-00298

Parks and Parkways--Public Trust Doctrine--Development of municipal parkland--legislative authority required--whether the Appellate Division erred in determining that Administrative Code § 18-118 did not authorize use of Flushing Meadows-Corona Park for construction of any structure that did not have a natural connection to Shea Stadium and that construction of a retail mall violated the public trust doctrine absent authorization by the State Legislature.

People v Otis Boone (No. 55)

APL-2016-00015

Crimes--Instructions --Identification of defendant--Whether the trial court erred in denying defendant's request for a jury instruction on cross-racial identification.

WEDNESDAY, APRIL 26 (in White Plains)

Matter of Friedman v Rice (No. 56)

APL-2016-00072

Records--Freedom of Information Law--Exemptions--statements of nontestifying witnesses--whether the Appellate Division properly determined that documents sought by petitioner were exempt from disclosure pursuant to Public Officers Law § 87(2)(e)(iii); Grand Jury--inspection of grand jury minutes--whether the Appellate Division correctly held that petitioner failed to establish a compelling and particularized need for disclosure of grand jury materials pursuant to CPL 190.25(4).

Burlington Insurance v NYC Transit Auth. (No. 57)

APL 2016-00096

Insurance--Liability Insurance-- Construction of policy--Whether the Appellate Division erred in determining that defendants were additional insureds under plaintiff insurer's general liability policy with a contractor, where the accident for which coverage was sought was not caused by the contractor's negligence or fault.

People v Chris Price (No. 58)

APL-2015-00211

Crimes--Evidence-- Photograph of defendant holding gun--whether the trial court erred in admitting into evidence a photograph posted on defendant's website where defense counsel objected on the ground that the People failed to lay a proper foundation because they did not establish that the photograph was genuine and the complainant did not confirm that the gun in the photograph was the same as that used in the robbery; sufficiency of the evidence establishing defendant's identity as the man who robbed the victim at gunpoint

THURSDAY, APRIL 27 (in White Plains)

For the People Theatres v City of New York; Ten's Cabaret v City of New York (No. 59)

APL-2015-00273

Constitutional Law--Freedom of Speech--Zoning amendments restricting adult establishments--Challenge to 2001 amendments to New York City Zoning Resolution section 12-10--Whether the Appellate Division applied an improper standard of review in determining whether the City met its burden of proof--Alleged improper reconsideration of negative secondary effects.

THURSDAY, APRIL 27 (cont.)

People v Miguel Viruet (No. 60)

APL-2015-00335

Crimes--Instructions--Whether the trial court erred in refusing to give an adverse inference charge to the jury after the police lost a surveillance video that had some relevance to the shooting at issue--missing evidence.

People v Jamar Bethune (No. 61)

APL-2015-293

Crimes--Trial--Resettlement of trial transcripts--whether trial judge erred in failing to conduct a reconstruction hearing before resettling the trial transcript to alter the court's supplemental charge to the jury--no affidavit from stenographer explaining discrepancy in transcription versions certified approximately five years apart--no specific knowledge of discrepancy circumstances by trial judge; claimed erroneous supplemental jury instructions on the issue of intent; whether jury verdict finding defendant guilty of intentional murder in the second degree was against the weight of the evidence.

TUESDAY, MAY 2 (in Albany)

Wilson v Dantas (No. 62)

APL-2015-00199

Courts--Jurisdiction--Long-arm jurisdiction--International financial transaction--Transaction of business in New York--Execution of contracts in New York--Whether the Appellate Division correctly held that the complaint sufficiently alleged that defendants transacted business in New York and that plaintiff's causes of action arise from defendant's New York contacts; Whether the Appellate Division correctly rejected defendant's contention that the action should be dismissed on the ground of forum non conveniens.

D&R Global Selections, S.L. v Bodega Olegaria Falcon Pineiro (No. 63)

APL-2015-00319

Courts--Jurisdiction--Lack of basis for personal and long-arm jurisdiction--Whether New York courts possessed subject matter jurisdiction over this action, arising from an oral agreement by the nondomiciliary plaintiff broker to procure an American importer for the nondomiciliary defendant winery's products, pursuant to Business Corporation Law § 1314(b)(4), which requires a showing of personal jurisdiction under CPLR 302.

TUESDAY, MAY 2 (cont.)

Town of Amherst v Granite State Insurance (No. 64)

APL-2016-00263

Arbitration--Agreement to Arbitrate--Whether the Appellate Division erred in determining that it was for the arbitrator, not the court, to decide the validity and effect of a subsequent agreement to litigate a claim that was subject to arbitration under the terms of the parties' insurance policy

WEDNESDAY, MAY 3 (in Albany)

People v Lawrence Frumusa (No. 65)

APL-2016-00065

Crimes--Evidence--Whether the trial court erred in admitting into evidence a civil contempt order finding defendant's businesses in contempt for failing to obey an order directing them to turn over all the monies at issue in the grand larceny charge against defendant--contempt order pertained to defendant's conduct occurring after the charged crime, as opposed to prior bad acts addressed in People v Molineux (168 NY 264)

People v Nirun Honghirun (No. 66)

APL-2016-00058

Crimes--Right to Counsel--Effective Representation--Whether defense counsel was ineffective for failing to seek an in limine ruling precluding delayed disclosure evidence, or objecting to its admission into evidence under the prompt outcry exception to the hearsay rule, and eliciting on cross examination details bolstering complainant's claims.

Bransten, et al. v State of New York (No. 67)

APL-2015-00125

Judges--Judicial salaries--Whether application to plaintiffs Judges and Justices of L. 2011, ch 491, § 2 and amended Civil Service Law § 167 (8) violates the Compensation Clause of the New York State Constitution.