

April 9, 2010

NEW FILINGS DIGEST - QUARTERLY UPDATE

This report lists, by title and subject matter, pending appeals previously published as "Court of Appeals New Filings".

Contact the Clerk's Office for additional information.

JAZMIN A., MATTER OF:

INFANTS - JUVENILE DELINQUENTS - WHETHER FAMILY COURT HAD AUTHORITY TO REMAND A JUVENILE TO DETENTION AFTER THE COURT ISSUED AN ORDER OF DISPOSITION PLACING THE JUVENILE ON PROBATION AND IN THE ABSENCE OF A VIOLATION OF PROBATION PETITION; FAMILY COURT ACT § 360.1(1);

ACEVEDO et al. v THE PIANO BUILDING LLC, et al.:

LANDLORD AND TENANT - RENT REGULATION - WHETHER AN APARTMENT COVERED BY THE LOFT LAW MAY REVERT TO RENT STABILIZATION AFTER THE LANDLORD PURCHASED THE PRIOR OCCUPANT'S RIGHTS UNDER MULTIPLE DWELLING LAW § 286(12) IN A PRE-1974 BUILDING CONTAINING SIX OR MORE RESIDENTIAL UNITS - WOLINSKY v KEE YIP REALTY CORP. (2 NY3d 487 [2004]);

ACEVEDO (STEVEN), PEOPLE v:

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - DRUG LAW REFORM ACT OF 2004 (DLRA) (L 2004, CH 738, § 23) - WHETHER A COURT ENGAGING IN A RESENTENCING UNDER THE DLRA HAS AUTHORITY TO RECONSIDER THE ORIGINAL SENTENCING COURT'S CONSECUTIVE SENTENCING DETERMINATION AND DIRECT THAT SENTENCES ON FELONY DRUG CONVICTIONS RUN CONCURRENTLY WITH SENTENCES ON NON-DRUG FELONY CONVICTIONS; APPEALABILITY OF APPELLATE DIVISION ORDER AFFIRMING THE GRANT OF AN APPLICATION FOR RESENTENCING;

ACOSTA, MATTER OF v NEW YORK CITY DEPARTMENT OF EDUCATION, et al.:

ADMINISTRATIVE LAW - ADMINISTRATIVE REVIEW - NEW YORK CITY DEPARTMENT OF EDUCATION DETERMINATION DENYING PETITIONER'S APPLICATION FOR EMPLOYMENT AS AN ADMINISTRATIVE ASSISTANT WITH A NONPROFIT ORGANIZATION PROVIDING SPECIAL EDUCATION SERVICES TO PRESCHOOLERS DUE TO THE SERIOUS NATURE OF PETITIONER'S CONVICTIONS IN 1993 OF FOUR COUNTS OF ROBBERY IN THE FIRST DEGREE AND ON THE GROUND THAT GRANTING EMPLOYMENT WOULD POSE AN UNREASONABLE RISK TO THE SAFETY AND WELFARE OF THE SCHOOL COMMUNITY - WHETHER APPELLATE DIVISION ERRED IN CONCLUDING THAT THE DETERMINATION WAS ARBITRARY AND CAPRICIOUS - CORRECTION LAW § 752 - ALLEGED MISAPPLICATION OF MATTER OF ARROCHA v BOARD OF EDUCATION OF CITY OF NEW YORK (93 NY2d [1999]) - CHALLENGE TO REMEDY ORDERED BY APPELLATE DIVISION;

ADAMS v GENIE INDUSTRIES, INC.:

PRODUCTS LIABILITY - DEFECTIVELY DESIGNED PRODUCT - CONTINUING DUTY OF PRODUCT MANUFACTURER TO REMEDY OR PROVIDE WARNING OF DANGEROUS DEFECTS BROUGHT TO ITS ATTENTION AFTER THE SALE OF SUCH PRODUCT - SAFER ALTERNATIVE DESIGN;

ALFORD (GARY), PEOPLE v:

CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER CONSECUTIVE SENTENCES WERE ILLEGAL UNDER PENAL LAW § 70.25(2) - LESSER INCLUDED OFFENSES OF PREDATORY SEXUAL ASSAULT AGAINST A CHILD (PENAL LAW § 130.96);

ALONZO (JOSE), PEOPLE v:

CRIMES - INDICTMENT - DISMISSAL OF INDICTMENT COUNTS AS MULTIPLICITOUS - CPL 210.20 - WHETHER GROPING OF TWO BODY PARTS CONSTITUTED A SINGLE CONTINUOUS ACT;

ANAND, et al. v KAPOOR:

NEGLIGENCE - ASSUMPTION OF RISK - FORESEEABLE AMBIT OF DANGER - GOLFER INJURED BY BALL HIT BY FELLOW GOLFER WHO FAILED TO GIVE WARNING BEFORE SWING OF CLUB; SUMMARY JUDGMENT;

APONTE (HERBERT), PEOPLE v:

CRIMES - STALKING - ATTEMPTED STALKING - WHETHER THE CRIME OF ATTEMPTED STALKING IN THE THIRD DEGREE IS A LEGALLY COGNIZABLE OFFENSE; INTENT;

AQUINO v HIGGINS, et al.:

NEGLIGENCE - DUTY - WHETHER DEFENDANT PARENTS HAD A DUTY OF CARE TO ENSURE THAT PLAINTIFF MINOR, A GUEST AT A PARTY ON DEFENDANTS' PREMISES, HAD A SAFE MEANS OF TRANSPORTATION HOME IN LIGHT OF THEIR KNOWLEDGE THAT ALCOHOL HAD BEEN CONSUMED BY GUESTS AT THE PARTY;

AYOUB v AYOUB:

PARENT AND CHILD - SUPPORT - CHALLENGE TO AWARD OF TEMPORARY CHILD SUPPORT - NECESSITY FOR SPECIFIC DELINEATION OF COMPONENTS OF CHILD SUPPORT PAYMENT GIVEN SEPARATE AWARD OF PAYMENTS FOR APARTMENT RENTAL;

BRANDY B. &c. v EDEN CENTRAL SCHOOL DISTRICT, et al.:

(Cal. Date - 4/27/10)

NEGLIGENCE - FORESEEABILITY - NOTICE OF DANGEROUS CONDUCT OF STUDENT WHO SEXUALLY ASSAULTED PLAINTIFF MINOR ON A SCHOOL BUS; SUMMARY JUDGMENT - EXISTENCE OF TRIABLE ISSUE OF FACT;

BACKUS (DEREK), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - CONCURRENT AND CONSECUTIVE ONE-YEAR TERMS - APPROPRIATE CORRECTIVE ACTION WHERE APPELLATE COURT VACATES AN ILLEGAL SENTENCE ENTERED ON A CONVICTION FOLLOWING A GUILTY PLEA WHERE DEFENDANT HAS SERVED ONE YEAR OF HIS SENTENCE - REMITTAL FOR FURTHER PROCEEDINGS

INCLUDING RESENTENCING OR MOTION BY PEOPLE TO VACATE THE PLEA AND SET ASIDE THE CONVICTION AS OPPOSED TO MODIFICATION BY APPELLATE COURT TO DIRECT THAT ILLEGAL CONSECUTIVE SENTENCES RUN CONCURRENTLY;

BALLMAN (DANIEL J.), PEOPLE v: (Cal. Date - 4/29/10)
 CRIMES - PROOF OF PRIOR CONVICTIONS - DRIVING WHILE INTOXICATED (DWI) - WHETHER A PRIOR OUT-OF-STATE CONVICTION FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS COULD BE USED TO ELEVATE DEFENDANT'S DWI TO A FELONY - INTERPRETATION OF 2006 AMENDMENT TO VEHICLE AND TRAFFIC LAW § 1192; DEFENDANT'S SUPPRESSION MOTION - WHETHER POLICE HAD PROBABLE CAUSE TO ARREST DEFENDANT OR KEEP HIM IN CUSTODY - INVESTIGATIVE DETENTION;

BALZARINI, MATTER OF v SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES:

SOCIAL SERVICES - MEDICAL ASSISTANCE - COMMUNITY SPOUSE INCOME ALLOWANCE - MEANING OF "EXCEPTIONAL CIRCUMSTANCES RESULTING IN SIGNIFICANT FINANCIAL DISTRESS" - 42 USC § 1396r-5(e)(2)(B) - SOCIAL SERVICES LAW § 366-c(8)(b);

BANC OF AMERICA SECURITIES LLC v SOLOW BUILDING CO. II, LLC:
 LANDLORD AND TENANT - ALTERATION OF LEASED PREMISES - LEASE PROVISION PROVIDING THAT TENANT'S SOLE REMEDY FOR CLAIM THAT LANDLORD UNREASONABLY WITHHELD OR DELAYED CONSENT TO ALTERATION PROPOSALS IS AN ACTION FOR SPECIFIC ENFORCEMENT, INJUNCTION OR DECLARATORY JUDGMENT, OR AN ARBITRATION PROCEEDING - ASSERTION THAT SUCH PROVISION IS UNENFORCEABLE BECAUSE LANDLORD'S REFUSAL TO TIMELY REVIEW AND APPROVE PROPOSED ALTERATIONS CONSTITUTES BAD FAITH - SUFFICIENCY OF ALLEGATIONS OF LANDLORD'S BAD FAITH NONPERFORMANCE OF LEASE PROVISION IN CAUSE OF ACTION FOR CONSEQUENTIAL DAMAGES;

BARKER CENTRAL SCHOOL DISTRICT, et al., MATTER OF v NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY et al. [AND RELATED PROCEEDINGS]:

MUNICIPAL CORPORATIONS - INDUSTRIAL DEVELOPMENT AGENCIES - PAYMENTS IN LIEU OF TAXES (PILOT) - CHALLENGE TO APPELLATE DIVISION ORDER ANNULLING NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (NCIDA) RESOLUTION PURSUANT TO WHICH NCIDA DETERMINED THAT FINANCIAL ASSISTANCE WAS WARRANTED FOR AN INDEPENDENT POWER PRODUCER - WHETHER NCIDA'S DETERMINATION WAS SUPPORTED BY SUBSTANTIAL EVIDENCE - WHETHER SUBSTANTIAL EVIDENCE STANDARD APPLIED - APPELLATE DIVISION'S ALLEGED IMPOSITION OF NON-STATUTORY REQUIREMENTS AND IMPROPER EVIDENTIARY STANDARD;

BATTLES (CALVIN), PEOPLE v: (Cal. Date - 6/3/10)
 CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER CONSECUTIVE SENTENCES WERE ILLEGAL UNDER PENAL LAW § 70.25(2) - WHETHER DEFENDANT'S POURING OF GASOLINE ON FOUR INDIVIDUALS WAS A "SINGLE ACT"; LESSER INCLUDED OFFENSES; PERSISTENT FELONY OFFENDER;

BAYARD (TASHIEM), PEOPLE v:

CRIMES - DISCLOSURE - ALLEGED FAILURE TO DISCLOSE BRADY/ROSARIO MATERIAL - IN AN EYEWITNESS IDENTIFICATION CASE WHERE ONLY ONE OF MULTIPLE EYEWITNESSES TESTIFIES AT TRIAL, WHETHER A POLICE REPORT CONTAINING "A SLIGHTLY DIFFERENT NARRATIVE OF THE CRIME ... AND A MORE DETAILED DESCRIPTION OF THE ROBBERS ... THAN THOSE FOUND IN THE VICTIM'S TRIAL TESTIMONY" CAN BE DEEMED TO HAVE NO EXCULPATORY OR IMPEACHMENT VALUE AS A MATTER OF LAW - PROSECUTION'S FAILURE TO MEMORIALIZE SOURCE OF INFORMATION IN POLICE REPORT - CORRECTIVE ACTION;

BLACK (JAMEL), PEOPLE v:

CRIMES - JURORS - CHALLENGE TO JURY - CLAIMED RACIAL DISCRIMINATION IN JUROR CHALLENGES - WHETHER TRIAL JUDGE ERRED IN DENYING DEFENDANT'S APPLICATION PURSUANT TO BATSON v KENTUCKY (476 US 79) CHALLENGING THE PEOPLE'S USE OF PEREMPTORY CHALLENGES TO REMOVE PROSPECTIVE AFRICAN-AMERICAN PANEL MEMBERS ON THE BASIS OF THEIR PLACE OF RESIDENCE, LACK OF EMPLOYMENT AND LACK OF HIGH SCHOOL DIPLOMA;

BLEECKER STREET TENANTS CORP. v BLEECKER JONES LLC, et al.:

LANDLORD AND TENANT - CHALLENGE TO RENEWAL OPTION CLAUSE IN LEASE AGREEMENT - WHETHER THE EXCEPTION TO THE PROHIBITION AGAINST REMOTE VESTING OF OPTIONS APPURTENANT TO A LEASE IS APPLICABLE TO THE SUBJECT RENEWAL OPTION CLAUSE; SUMMARY JUDGMENT;

BOSCIC (DRAGAN), PEOPLE v:

CRIMES - MOTOR VEHICLES - OPERATING VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS - DRIVING WHILE ABILITY IMPAIRED (VEHICLE AND TRAFFIC LAW § 1192[1]) - WHETHER THE PEOPLE MUST PRODUCE EVIDENCE THAT BREATHALYZER WAS CALIBRATED WITHIN SIX MONTHS PRIOR TO ITS USE BEFORE THE RESULTS OF A BREATHALYZER TEST CAN BE ADMITTED INTO EVIDENCE; WHETHER COUNTY COURT PROPERLY CONSIDERED ON APPEAL A BREATH TEST OPERATOR GUIDE THAT WAS NOT INTRODUCED AS EVIDENCE AT TRIAL;

BOVIS LEND LEASE LMB, INC., et al. v GARITO CONTRACTING, INC., et al.:

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - APPELLATE DIVISION DETERMINED THAT PLAINTIFF GENERAL CONTRACTOR, AN ADDITIONAL INSURED UNDER A POLICY ISSUED TO DEFENDANT SUBCONTRACTOR, IS NOT ENTITLED TO INDEMNIFICATION BASED UPON THE JURY VERDICT IN THE UNDERLYING PERSONAL INJURY ACTION IN WHICH THE JURY CONCLUDED THAT THE SUBCONTRACTOR'S NEGLIGENCE WAS NOT A SUBSTANTIAL FACTOR IN CAUSING THE PERSONAL INJURY PLAINTIFF'S ACCIDENT - RENEWAL - WHETHER APPELLATE DIVISION ERRED IN NOT FOLLOWING ITS PRIOR DECISION IN THIS CASE - APPLICATION OF WORTH CONSTRUCTION CO. v ADMIRAL INS. CO. (10 NY3d 411);

BRADFORD (DANA R.), PEOPLE v.:

CRIMES - EVIDENCE - STATEMENT MADE BY DEFENDANT CONFESSING TO STATUTORY RAPE FOLLOWING AN ILLEGAL ARREST - WHETHER STATEMENTS WERE PROPERLY ADMITTED AT TRIAL AS SUFFICIENTLY ATTENUATED FROM THE ARREST - WHETHER TRIAL COURT ERRED IN NOT STRIKING TESTIMONY FROM THE VICTIM REGARDING UNCHARGED ACTS OF STATUTORY RAPE; HARMLESS ERROR;

BROWN, MATTER OF v FISCHER et al.:

APPEALS - APPELLATE DIVISION - DISMISSAL OF APPEAL; PROCEEDING AGAINST BODY OR OFFICER - CPLR ARTICLE 78 PROCEEDING TO REVIEW DETERMINATION BY PRISON OFFICIALS;

ERIN C., MATTER OF v PETER H.:

PARENT AND CHILD - SUPPORT - CALCULATION OF THE NEEDS OF THE CHILD;

CAPITAL NEWSPAPERS DIVISION OF THE HEARST CORPORATION, et al., MATTER OF v CITY OF ALBANY, et al.: (Cal. Date - 6/1/10)

RECORDS - FREEDOM OF INFORMATION LAW (FOIL) - WHETHER APPELLATE DIVISION APPLIED THE CORRECT STANDARDS FOR DETERMINING WHETHER A DOCUMENT IS A "PERSONNEL RECORD" UNDER CIVIL RIGHTS LAW § 50-a - PETITIONERS' ENTITLEMENT TO ATTORNEYS' FEES AND COSTS PURSUANT TO PUBLIC OFFICERS LAW § 89(4)(c);

CARGILL FINANCIAL SERVICES INTERNATIONAL, INC. v BANK FINANCE AND CREDIT, LIMITED, &c.:

ATTACHMENT - BANK ACCOUNTS - WHETHER THE APPELLATE DIVISION ERRED IN HOLDING THAT IT WAS WITHIN THE TRIAL COURT'S DISCRETION TO DENY PLAINTIFF'S APPLICATION TO ATTACH ALL FUNDS IN CORRESPONDENT BANK ACCOUNTS BECAUSE THE ATTACHMENT OF ALL FUNDS "WOULD HAVE INTERFERED WITH INNOCENT THIRD PARTIES' ACCESS TO THEIR MONEY";

CAMPBELL (WILLIAM), PEOPLE v.:

CRIMES - RIGHT TO PUBLIC TRIAL - CLOSURE OF COURTROOM - TRIAL COURT EXCLUDED TWO MEMBERS OF DEFENDANT'S FAMILY FROM THE COURTROOM DURING THE TESTIMONY OF AN UNDERCOVER POLICE OFFICER - FAMILY MEMBERS LIVED IN THE "ROUGH VICINITY" WHERE THE UNDERCOVER OFFICER WORKED; SUFFICIENCY OF EVIDENCE;

CAYUGA INDIAN NATION OF NEW YORK v CAYUGA COUNTY SHERIFF, et al.:

TAXATION - TAXATION OF CIGARETTE SALES BY CAYUGA INDIAN NATION - WHETHER TAX LAW § 471-e PROVIDES THE EXCLUSIVE MEANS BY WHICH TO TAX CIGARETTE SALES ON A RESERVATION - WHETHER PLAINTIFF'S TWO CONVENIENCE STORES ARE LOCATED WITHIN A "QUALIFIED RESERVATION" AS THAT TERM IS DEFINED IN TAX LAW § 470(16)(a);

CECUNJANIN (ZUFER), PEOPLE v.:

CRIMES - INTOXICATION - SUFFICIENCY OF EVIDENCE - SEXUAL ABUSE IN THE FIRST DEGREE (PENAL LAW § 130.65[2]) - WHETHER VICTIM WAS

"INCAPABLE OF CONSENT BY REASON OF BEING PHYSICALLY HELPLESS";
ALLEGED JUROR MISCONDUCT; ALLEGED INEFFECTIVE ASSISTANCE OF
COUNSEL;

CHOW, et al. v RECKITT & COLMAN, INC., et al.:

PRODUCTS LIABILITY - DEFECTIVELY DESIGNED PRODUCT - CHALLENGE TO
APPELLATE DIVISION ORDER HOLDING THAT PLAINTIFFS FAILED TO RAISE
A TRIABLE ISSUE OF FACT AS TO WHETHER A LYE-BASED DRAIN CLEANER
WAS DEFECTIVELY DESIGNED;

CINTRON, MATTER OF v CALOGERO &c.:

LANDLORD AND TENANT - RENT - CPLR ARTICLE 78 PROCEEDING TO ANNUL
AN ORDER OF RESPONDENT COMMISSIONER OF THE DIVISION OF HOUSING
AND COMMUNITY RENEWAL LIMITING RENT OVERCHARGES RECOVERABLE BY A
TENANT;

CITY OF NEW YORK, et al. v MAUL &c. (AND ANOTHER PROCEEDING):

PARTIES - PROPER PARTIES - CLASS CERTIFICATION - DEVELOPMENTALLY
DISABLED PERSONS IN THE CARE OR CUSTODY OF DEFENDANT NEW YORK
CITY ADMINISTRATION FOR CHILDRENS' SERVICES ENTITLED TO SERVICES
FROM NEW YORK OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL
DISABILITIES; MUNICIPAL CORPORATIONS - SERVICES; MOOTNESS;
SUMMARY JUDGMENT;

CONTINENTAL CASUALTY COMPANY, et al. v

PRICEWATERHOUSECOOPERS, LLP: (Cal. Date - 6/2/10)

PARTNERSHIP - LIMITED PARTNERSHIP - SUMMARY JUDGMENT - WHETHER
PLAINTIFFS LIMITED PARTNERS' CLAIMS OF FRAUDULENT INDUCEMENT ARE
SUFFICIENT TO SUPPORT A DIRECT CLAIM AGAINST GENERAL PARTNER'S
INDEPENDENT AUDITOR - MEASURE OF DAMAGES;

CORREA (EDGAR), PEOPLE v: (Cal. Date 5/5/10)

COURTS - CLAIMED IMPROPRIETY IN TRANSFER OF CASE FROM CRIMINAL
COURT TO SUPREME COURT; SUBJECT MATTER JURISDICTION OF TRIAL
COURT;

COUNCIL (TONY), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - COUNSEL'S
FAILURE TO TIMELY FILE NOTICE OF APPEAL OR MOTION FOR EXTENSION
OF TIME TO FILE NOTICE OF APPEAL;

CUMMINGS (ELIJAH), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - WHETHER
TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE FOR DISMISSAL
OF THE SECOND DEGREE BURGLARY COUNT BASED ON THE ARGUMENT THAT A
POLICE STATION DOES NOT CONSTITUTE A "DWELLING" UNDER PENAL LAW §
140.25(2) - POLICE STATION CONTAINING DORM ROOM; WHETHER TRIAL
COURT ERRED IN PERMITTING CROSS-EXAMINATION OF DEFENDANT ABOUT A
PRIOR ROBBERY AND ATTEMPTED ROBBERY CONVICTION; ALLEGED
PROSECUTORIAL MISCONDUCT;

PEOPLE &c., BY ANDREW M. CUOMO v WELLS FARGO INSURANCE SERVICES, INC. et al.:

INSURANCE - AGENTS AND BROKERS - WHETHER COMPLAINT STATED A CAUSE OF ACTION FOR BREACH OF FIDUCIARY DUTY BY INSURANCE BROKER; ATTORNEY GENERAL - ENJOINING FRAUDULENT OR ILLEGAL ACTS - WHETHER COMPLAINT STATED A CAUSE OF ACTION FOR FRAUD UNDER EXECUTIVE LAW § 63(12) WITH SUFFICIENT PARTICULARITY;

CUSUMANO et al. v CITY OF NEW YORK:

NEGLIGENCE - INJURIES TO FIREFIGHTERS - ACTION PURSUANT TO GENERAL MUNICIPAL LAW § 205-a TO RECOVER DAMAGES FOR PERSONAL INJURIES TO A FIREFIGHTER WHO FELL DOWN A FLIGHT OF STAIRS WHILE ATTENDING TRAINING IN A BUILDING OWNED BY DEFENDANT CITY - ALLEGED VIOLATION OF CERTAIN ADMINISTRATIVE CODE SECTIONS REQUIRING A BUILDING OWNER TO MAINTAIN THE BUILDING, INCLUDING THE STAIRWELL AND HANDRAILS, IN SAFE CONDITION; SUFFICIENCY OF EVIDENCE TO SUPPORT JURY VERDICT;

JIMMY D., MATTER OF:

INFANTS - JUVENILE DELINQUENTS - DENIAL OF MOTION TO SUPPRESS CONFESSION - VOLUNTARINESS OF 13-YEAR OLD'S CONFESSION WHERE POLICE QUESTIONING TOOK PLACE LATE AT NIGHT AFTER POLICE ASKED CHILD'S MOTHER TO LEAVE THE ROOM AND PROMISED "HELP" FOR CHILD IF HE CONFESSED;

DaCRUZ et al v TOWMASTERS OF NEW JERSEY, INC., et al.:

LIMITATIONS OF ACTIONS - WHETHER ONE PARTY'S SATISFACTION OF UNCONSOLIDATED LAWS § 7107'S CONDITION PRECEDENT TO SUIT (REQUIRING ACTIONS AGAINST THE PORT AUTHORITY TO BE COMMENCED WITHIN ONE YEAR OF ACCRUAL) SATISFIES THE CONDITION WITH RESPECT TO ALL PARTIES; AMENDED COMPLAINT - RELATION BACK TO THIRD-PARTY COMPLAINT; DISMISSAL AND NONSUIT;

DALY (JOHN), PEOPLE v:

CRIMES - TRIAL - ALLEGED PREJUDICIAL "SPILLOVER EFFECT" OF ROSARIO AND BRADY VIOLATIONS FOR WHICH CONVICTIONS ON COUNTS ARISING OUT OF AN INCIDENT AT ONE SITE WERE VACATED WITH RESPECT TO JOINTLY-TRIED COUNTS ARISING OUT OF A SEPARATE INCIDENT AT A DIFFERENT SITE AS TO WHICH CONVICTIONS WERE AFFIRMED;

DANIEL H., MATTER OF:

INFANTS - JUVENILE DELINQUENTS - DENIAL OF MOTION TO SUPPRESS STATEMENT MADE AT POLICE PRECINCT AFTER 15-YEAR-OLD FIRST QUESTIONED BY POLICE AT SCHOOL WITHOUT MIRANDA WARNINGS - VOLUNTARINESS OF SECOND CONFESSION;

DEBRA H. v JANICE R.:

PARENT AND CHILD - CUSTODY - VISITATION - WHETHER A PARTY WHO IS NOT THE CHILD'S BIOLOGICAL OR ADOPTIVE PARENT HAS STANDING TO SEEK CUSTODY AND VISITATION UNDER DOMESTIC RELATIONS LAW § 740 AS A PARENT UNDER EQUITABLE ESTOPPEL PRINCIPLES WHERE THE PARTY ALLEGEDLY ESTABLISHED A STRONG FAMILY BOND WITH THE CHILD WITH

THE BIOLOGICAL PARENT'S ENCOURAGEMENT AND, AMONG OTHER THINGS, ENTERED INTO AN OUT-OF-STATE CIVIL UNION WITH THE BIOLOGICAL PARENT BEFORE THE CHILD'S BIRTH; STANDING; DUE PROCESS AND EQUAL PROTECTION;

DEJESUS v ALBA:

MOTOR VEHICLES - INJURIES TO PEDESTRIANS - WHETHER TRIABLE ISSUE OF FACT EXISTED PRECLUDING SUMMARY JUDGMENT FOR DEFENDANTS;

DEVONE (DAMIEN), PEOPLE v: (Cal. Date 4/27/10)

CRIMES - SUPPRESSION HEARING - WHETHER REASONABLE SUSPICION OF DRUG-RELATED CRIMINAL CONDUCT IS A PREREQUISITE TO A CANINE SNIFF OF THE EXTERIOR OF A CAR STOPPED FOR A TRAFFIC VIOLATION; SEARCH;

DDJ MANAGEMENT, LLC, et al. v RHONE GROUP LLC, et al.:

(Cal. Date 6/2/10)

FRAUD - RELIANCE - WHETHER THE APPELLATE DIVISION ERRED IN GRANTING DEFENDANTS' CPLR 3211(a) MOTIONS TO DISMISS PLAINTIFFS' FRAUD CAUSE OF ACTION UPON THE GROUND THAT "PLAINTIFFS NEVER CONDUCTED ANY DUE DILIGENCE AS IT RELATED TO [CERTAIN OF BORROWER'S UNAUDITED] FINANCIAL STATEMENTS, ON WHICH PLAINTIFFS PRIMARILY RELIED IN MAKING THE LOAN TO [BORROWER]";

DIAZ (DAVID), PEOPLE v:

CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE - DRUGS HIDDEN IN AIR BAG COMPARTMENT OF AUTOMOBILE DEFENDANT OCCUPIED BUT DID NOT OWN - CONSTRUCTIVE POSSESSION OF CONTRABAND; CIRCUMSTANTIAL EVIDENCE;

DIAZ (TEOFILO), PEOPLE v: (Cal. Date - 4/28/10)

CRIMES - DISCLOSURE - NOTICE OF INTENTION TO OFFER PSYCHIATRIC EVIDENCE - LAY TESTIMONY IN SUPPORT OF AFFIRMATIVE DEFENSE OF EXTREME EMOTIONAL DISTURBANCE (EED) - WHETHER A DEFENDANT WHO INTENDS TO RELY ON HIS OWN TESTIMONY TO SUPPORT AN EED DEFENSE MUST (1) GIVE NOTICE TO THE PROSECUTION UNDER CPL 250.10, WHICH REQUIRES SUCH NOTICE WHERE THE DEFENDANT PLANS TO OFFER EVIDENCE OF "MENTAL DISEASE OR DEFECT" IN SUPPORT OF AN EED DEFENSE, AND (2) SUBMIT TO AN EXAMINATION BY A PROSECUTION PSYCHIATRIST; WHETHER THE PEOPLE'S EXPERT PSYCHIATRIST IMPROPERLY TESTIFIED AS TO MATTERS OF CREDIBILITY - HARMLESS ERROR;

DICKINSON, MATTER OF v DAINES &c., et al.:

PROCEEDING AGAINST BODY OR OFFICER - MANDAMUS - CPLR ARTICLE 78 PROCEEDING SEEKING A JUDGMENT VACATING AN AMENDED DECISION AFTER FAIR HEARING AND REINSTATING A PRIOR DECISION AFTER FAIR HEARING REVERSING THE DEPARTMENT OF SOCIAL SERVICES' DENIAL OF MEDICAID BENEFITS TO PETITIONER - 90-DAY PERIOD FOR DEPARTMENT OF HEALTH TO TAKE "FINAL ADMINISTRATIVE ACTION" (18 NYCRR 358-6.4);

DOWNS v TOWN OF GUILDERLAND, et al.:

CONSTITUTIONAL LAW - FREEDOM OF SPEECH - NY CONSTITUTION, ARTICLE I, § 8 - PLAINTIFF ARRESTED FOR TRESPASS BY TOWN POLICE OFFICER AT MALL AFTER PLAINTIFF REFUSED TO REMOVE "ANTI-WAR T-SHIRT" OR LEAVE MALL AS REQUESTED BY MALL SECURITY PERSONNEL; FALSE ARREST;

DREYDEN (JAMES), PEOPLE v: (Cal. Date - 4/29/10)

CRIMES - ACCUSATORY INSTRUMENT - WHETHER A MISDEMEANOR COMPLAINT CHARGING DEFENDANT WITH CRIMINAL POSSESSION OF A GRAVITY KNIFE IS LEGALLY SUFFICIENT - PENAL LAW § 265.01(1);

EAST HAMPTON UNION FREE SCHOOL DISTRICT v SANDPEBBLE BUILDERS, INC, et al.:

CORPORATIONS - DISREGARDING CORPORATE ENTITY - CHALLENGE TO APPELLATE DIVISION ORDER GRANTING "THAT BRANCH OF THE DEFENDANTS' MOTION WHICH WAS PURSUANT TO CPLR 3211(a)(7) TO DISMISS THE COMPLAINT INSOFAR AS ASSERTED AGAINST THE DEFENDANT VICTOR CANSECO INDIVIDUALLY" - WHETHER COMPLAINT SUFFICIENTLY ALLEGES A CAUSE OF ACTION FOR LIABILITY AGAINST A CORPORATION'S PRESIDENT AND PRINCIPAL OWNER BASED ON THE DOCTRINE OF PIERCING THE CORPORATE VEIL;

EIDLISZ v NEW YORK UNIVERSITY et al.: (Cal. Date - 6/1/10)

COLLEGES AND UNIVERSITIES - DIPLOMA BY ESTOPPEL DOCTRINE - DENTAL DEGREE; CONTRACTS - SPECIFIC PERFORMANCE; SCOPE OF REVIEW; STAY;

ELLSWORTH (ROBERT W.), PEOPLE v:

CRIMES - PLEA OF GUILTY - DEFENDANT NOT ADVISED AT TIME OF HIS GUILTY PLEA THAT A CONDITION OF HIS 10-YEAR PROBATIONARY TERM WAS THAT HE COULD NOT HAVE CONTACT WITH ANY CHILD UNDER THE AGE OF 18 (INCLUDING HIS OWN MINOR CHILDREN LIVING IN HIS HOUSEHOLD) WHERE THE VICTIM WAS NOT A MEMBER OF HIS HOUSEHOLD; WHETHER PLEA MAY BE VACATED;

EMPIRE STATE TOWING AND RECOVERY ASSOCIATION, INC., MATTER OF v COMMISSIONER OF LABOR:

UNEMPLOYMENT INSURANCE - EMPLOYEE OR INDEPENDENT CONTRACTOR - WHETHER SUBSTANTIAL EVIDENCE SUPPORTS UNEMPLOYMENT INSURANCE APPEAL BOARD'S DECISION THAT PERSON WHO PROVIDED LEGAL, LOBBYING AND ADMINISTRATIVE MANAGEMENT SERVICES FOR VARIOUS CLIENTS, INCLUDING APPELLANT TOW TRUCK OPERATORS' ASSOCIATION, WAS ASSOCIATION'S EMPLOYEE RATHER THAN AN INDEPENDENT CONTRACTOR;

FALZONE, MATTER OF v NEW YORK CENTRAL MUTUAL FIRE INSURANCE COMPANY:

ARBITRATION - CONFIRMING OR VACATING AWARD - WHETHER THE ARBITRATOR EXCEEDED HIS POWER OR RENDERED AN IRRATIONAL AWARD BY NOT GIVING PRECLUSIVE EFFECT TO A PRIOR ARBITRATION AWARD BETWEEN THE PARTIES - PUBLIC POLICY FAVORING FINALITY OF AWARD;

FARKAS (ISIDORE), PEOPLE v:

CRIMES - RIGHT TO SPEEDY TRIAL - THEFT-RELATED CHARGES CONTAINED IN INDICTMENT FILED OVER ONE YEAR AFTER ISSUANCE TO DEFENDANT OF DESK APPEARANCE TICKET AND LATER FILING OF MISDEMEANOR COMPLAINT THAT CHARGED ONLY ASSAULT-RELATED CHARGES - WHETHER THEFT-RELATED CHARGES ARE BARRED BY CPL 30.30 BECAUSE OF THE LAPSE OF TIME BETWEEN THE ISSUANCE OF THE DESK APPEARANCE TICKET AND THE INDICTMENT;

FERNANDEZ (JOAO), PEOPLE v: (Cal. Date - 5/5/10)

COURTS - CLAIMED IMPROPRIETY IN TRANSFER OF CASE FROM CRIMINAL COURT TO SUPREME COURT; WHETHER CPL 210.05 PRECLUDES THE INTEGRATED DOMESTIC VIOLENCE PART OF SUPREME COURT FROM EXERCISING ITS JURISDICTION TO TRY MISDEMEANOR CHARGES AGAINST A DEFENDANT IN THE ABSENCE OF AN INDICTMENT OR A SUPERIOR COURT INFORMATION;

FIELDS v FIELDS: (Cal. Date - 5/4/10)

HUSBAND AND WIFE - EQUITABLE DISTRIBUTION - MARITAL RESIDENCE - WHETHER WIFE IS ENTITLED TO EQUITABLE DISTRIBUTION OF ENHANCED VALUE OF HUSBAND'S INTEREST IN TEN-APARTMENT TOWNHOUSE AND HIS INTEREST IN TOWNHOUSE'S BANK ACCOUNT;

FIELDSTON PROPERTY OWNERS ASSOCIATION, INC. v HERMITAGE INSURANCE COMPANY, INC., et al.:

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - ALLOCATION OF DEFENSE COSTS - EFFECT OF "OTHER INSURANCE" CLAUSE - RESPONSIBILITY FOR COSTS OF DEFENDING MUTUAL INSURED OF ONE INSURER THAT ISSUED A COMMERCIAL GENERAL LIABILITY POLICY AND ANOTHER INSURER THAT ISSUED AN ASSOCIATION DIRECTORS AND OFFICERS LIABILITY POLICY CONTAINING AN "OTHER INSURANCE" CLAUSE;

FLEMMING v BARNWELL NURSING HOME AND HEALTH FACILITIES, INC.:

ATTORNEY AND CLIENT - COMPENSATION - CLASS ACTION SETTLEMENT - AWARD TO COUNSEL OTHER THAN CLASS COUNSEL - WHETHER COURTS HAVE AUTHORITY TO AWARD COUNSEL FEES AND EXPENSES TO COUNSEL FOR AN OBJECTANT TO A CLASS ACTION SETTLEMENT WHOSE INTERVENTION RESULTS IN BENEFITS TO THE CLASS AS A WHOLE - THE "AMERICAN RULE" - CPLR 909;

FLOMENBAUM v NEW YORK UNIVERSITY:

COLLEGES AND UNIVERSITIES - CONTRACTS - BREACH OF CONTRACT - WHETHER TRIABLE ISSUES OF MATERIAL FACT EXISTED WITH RESPECT TO BREACH OF DEFENDANT UNIVERSITY'S AGREEMENT WITH PLAINTIFF FORMER FACULTY MEMBER REGARDING ADMISSION OF HIS CHILDREN TO THE UNIVERSITY "ON THE SAME BASIS AND WITH THE SAME COURTESIES" AS CERTAIN OTHER TENURED MEMBERS OF THE UNIVERSITY'S SCHOOL OF MEDICINE - JUDICIAL REVIEW OF ACADEMIC DISCRETION; SPOILIATION OF EVIDENCE;

FOOTE et al. v ALBANY MEDICAL CENTER HOSPITAL, et al.:
 DAMAGES - "WRONGFUL BIRTH" MEDICAL MALPRACTICE ACTION - WHETHER TRIABLE ISSUES OF MATERIAL FACT PRECLUDED THE GRANT OF SUMMARY JUDGMENT TO DEFENDANTS WHERE DEFENDANTS ARGUED THAT PLAINTIFFS FAILED TO ESTABLISH A LEGALLY COGNIZABLE INJURY BECAUSE ALL MEDICAL AND EDUCATIONAL SERVICES NEEDED BY THEIR SON ARE BEING PROVIDED TO THEM UNDER GOVERNMENT PROGRAMS;

FRAZIER (CHARLES), PEOPLE v: (Cal. Date - 6/3/10)
 CRIMES - SENTENCE - CONCURRENT AND CONSECUTIVE TERMS - WHETHER DEFENDANT MAY BE SENTENCED CONSECUTIVELY FOR THE CRIMES OF BURGLARY AND GRAND LARCENY WHERE THE EVIDENCE ESTABLISHES THAT DEFENDANT MADE HIS UNLAWFUL ENTRY WITH THE INTENT TO COMMIT GRAND LARCENY; COMPETENCY OF DEFENDANT TO STAND TRIAL; PROOF OF PRIOR CONVICTION; SENTENCE - PERSISTENT FELONY OFFENDER;

FREDERICK (TREVOR), PEOPLE v: (Cal. Date - 4/28/10)
 CRIMES - INDICTMENT - WHETHER SUPREME COURT PROPERLY REINSTATED INDICTMENT THAT HAD BEEN DISMISSED PURSUANT TO CPL 200.80 AS SUPERSEDED BY A NEW INDICTMENT WHERE THE COURT DISMISSED THE SUPERSEDING INDICTMENT AS PROCEDURALLY DEFECTIVE;

GALLIANO v STALLION, INC.: (Cal. Date - 4/27/10)
 JUDGMENTS - FOREIGN JUDGMENT - THE HAGUE CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS - WHETHER NEW YORK CAN RECOGNIZE A FOREIGN JUDGMENT ENTERED ON DEFAULT WHERE PROCESS INITIATING THE FOREIGN ACTION WAS SERVED UPON A NEW YORK DEFENDANT IN A FOREIGN LANGUAGE - NECESSITY TO TRANSLATE DOCUMENT INTO ENGLISH - CPLR 2101; PROPRIETY OF SERVICE OF PROCESS ON CORPORATE EMPLOYEES; CHALLENGE TO APPELLATE DIVISION'S INTERPRETATION OF CPLR 5305 AND TO THE CONSTITUTIONALITY OF THAT STATUTE;

GASQUES et al. v THE STATE OF NEW YORK:
 LABOR - SAFE PLACE TO WORK - SUMMARY JUDGMENT - WHETHER THE APPELLATE DIVISION ERRED IN CONCLUDING THAT "DEFENDANT MADE A PRIMA FACIE SHOWING OF ENTITLEMENT TO JUDGMENT AS A MATTER OF LAW DISMISSING THE LABOR LAW § 240(1) CLAIM BY DEMONSTRATING THAT THE INJURED CLAIMANT'S INJURY, WHILE TANGENTIALLY RELATED TO THE EFFECTS OF GRAVITY, WAS NOT CAUSED BY THE LIMITED TYPE OF ELEVATION-RELATED HAZARDS ENCOMPASSED BY THE STATUTE" AND THAT CLAIMANTS FAILED TO RAISE A TRIABLE ISSUE OF FACT TO REBUT THAT SHOWING;

GERACI v PROBST:
 LIBEL AND SLANDER - SLANDER PER SE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE TESTIMONY REGARDING REPUBLICATION BY NEWSPAPER OF ALLEGEDLY DEFAMATORY STATEMENTS, ALLOWING TESTIMONY ABOUT THE DISTRICT ATTORNEY'S INVESTIGATION OF PLAINTIFF AND CHARGING THE JURY THAT THE INDIVIDUAL DEFENDANT'S STATEMENT CONCERNING THE PLAINTIFF CONSTITUTED LIBEL PER SE - PRESERVATION;

GLASSMAN v PROHEALTH AMBULATORY SURGERY CENTER, INC., et al.:

(Cal. Date - 5/4/10)

CONTRACTS - EMPLOYMENT CONTRACTS - WHETHER AN AMBULATORY SURGERY CENTER LICENSED UNDER ARTICLE 28 OF THE PUBLIC HEALTH LAW MAY SHARE IN FEES THAT ITS FULL-TIME PHYSICIAN-EMPLOYEE EARNED FROM PROVIDING SERVICES OUTSIDE THE AMBULATORY SURGERY CENTER WHERE THE PROVISION IN THE EMPLOYMENT AGREEMENT PROVIDING FOR THE SHARE OF SUCH FEES WAS ALLEGEDLY ILLEGAL AND UNENFORCEABLE BECAUSE IT VIOLATED THE CENTER'S CERTIFICATE OF OPERATION;

GORDON, MATTER OF et al. v TOWN OF ESOPUS et al. (AND THREE OTHER PROCEEDINGS): (Cal. Date - 5/5/10)

TAXATION - ASSESSMENT - REAL PROPERTY TAX LAW ARTICLE 7 PROCEEDING TO REVIEW AN ASSESSMENT ON REAL PROPERTY - WHETHER MANAGED FOREST LAND UNDER RPTL 480-a SHOULD BE VALUED ON ITS HIGHEST AND BEST USE, INSTEAD OF ON ITS CURRENT USE; EVIDENCE - WHETHER PETITIONERS DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT THE SUBJECT PROPERTY IS OVERVALUED;

GRAVINO (TARA), PEOPLE v:

CRIMES - SEX OFFENDERS - SEX OFFENDER REGISTRY - WHETHER DEFENDANT MAY BE ENTITLED TO WITHDRAW HER GUILTY PLEA WHERE SHE WAS NOT ADVISED PRIOR TO HER PLEA AND SENTENCING THAT SHE WOULD BE REQUIRED TO REGISTER AS A SEX OFFENDER; RAPE IN THE THIRD DEGREE; DEFENDANT'S ALLEGED CONFLICT OF INTEREST WITH TRIAL COUNSEL;

GROBMAN v CHERNOFF, et al.:

ARBITRATION - INTEREST - PRE-ARBITRATION AWARD INTEREST - WHETHER COURT MAY ADD PRE-ARBITRATION AWARD INTEREST WHEN CONFIRMING THE AWARD IF THE ARBITRATION DECISION DOES NOT ADDRESS PLAINTIFF'S ENTITLEMENT TO INTEREST - DAMAGE AWARD UNDER CPLR 5002;

GUARDINO (ANTHONY), PEOPLE v:

CRIMES - JURORS - SELECTION OF JURY - DENIAL OF DEFENDANT'S APPLICATION PURSUANT TO BATSON v KENTUCKY (476 US 79) - WHETHER DEFENDANT MADE A PRIMA FACIE SHOWING OF DISCRIMINATION BASED UPON THE PEOPLE'S PEREMPTORY CHALLENGE OF FOUR OF SIX BLACK FEMALE PROSPECTIVE JURORS;

HALL, PEOPLE ex rel. v ROCK:

HABEAS CORPUS - WHEN REMEDY AVAILABLE;

HASSELL (WILLIAM), PEOPLE v:

CRIMES - SENTENCE - RESENTENCE - ADDITION OF POST-RELEASE SUPERVISION TO SENTENCE AFTER DEFENDANT'S RELEASE FROM PRISON;

HOFFMAN v PARADE PUBLICATIONS, et al.: (Cal. Date - 6/2/10)

CIVIL RIGHTS - DISCRIMINATION BASED ON AGE - SUBJECT MATTER JURISDICTION - EMPLOYEE RESIDED AND WORKED OUTSIDE OF NEW YORK STATE, BUT NEW YORK EMPLOYER MADE DECISION IN NEW YORK TO

TERMINATE HIM - WHETHER EMPLOYEE HAS VIABLE CLAIM UNDER NEW YORK STATE HUMAN RIGHTS LAW - WHERE IMPACT OF ALLEGEDLY DISCRIMINATORY EMPLOYMENT ACTION WAS FELT;

HOLLIS (ERIC), PEOPLE v:

CRIMES - JURORS - CHALLENGE TO JURY - CLAIMED RACIAL DISCRIMINATION IN JUROR CHALLENGES - WHETHER TRIAL JUDGE ERRED IN DENYING DEFENDANT'S APPLICATION PURSUANT TO BATSON v KENTUCKY (476 US 79) TO REVIEW THE PEOPLE'S USE OF PEREMPTORY CHALLENGES TO REMOVE THE ONLY TWO AFRICAN-AMERICAN PANEL MEMBERS;

HOWARD S. v LILLIAN S.:

HUSBAND AND WIFE - DIVORCE - EQUITABLE DISTRIBUTION - CONSIDERATION OF MARITAL FAULT - EGREGIOUS FAULT - ENTITLEMENT TO DISCOVERY; LIMITATION OF DAMAGES ON CLAIM OF FRAUD AGAINST DEFENDANT WIFE;

HURRELL-HARRING, et al. v STATE OF NEW YORK, et al.:

DISMISSAL AND NONSUIT - NONJUSTICIABLE CONTROVERSY - COMPLAINT ALLEGING SYSTEMIC VIOLATIONS OF THE RIGHT OF INDIGENT DEFENDANTS TO APPOINTED COUNSEL; CONSTITUTIONAL LAW - RIGHT TO COUNSEL;

HYDE, MATTER OF v WHITNEY (AND ANOTHER PROCEEDING):

(Cal. Date - 6/2/10)

TRUSTS - ACCOUNTING - CHALLENGE TO APPELLATE DIVISION ORDER AFFIRMING DENIAL OF MOTION BY NON-OBJECTING TRUST BENEFICIARIES TO HAVE COUNSEL FEES INCURRED BY TRUSTEES IN DEFENDING AGAINST OBJECTIONS TO INTERMEDIATE ACCOUNTINGS MADE BY OTHER TRUST BENEFICIARIES CHARGED SOLELY TO THE OBJECTING BENEFICIARIES' INTERESTS IN THE TRUSTS RATHER THAN TO THE TRUST ASSETS GENERALLY - SCPA 2110;

JIMMY D., MATTER OF:

INFANTS - JUVENILE DELINQUENTS - DENIAL OF MOTION TO SUPPRESS CONFESSION - VOLUNTARINESS OF 13-YEAR OLD'S CONFESSION WHERE POLICE QUESTIONING TOOK PLACE LATE AT NIGHT AFTER POLICE ASKED CHILD'S MOTHER TO LEAVE THE ROOM AND PROMISED "HELP" FOR CHILD IF HE CONFESSED;

JOHNSON, et al. v CITY OF NEW YORK, et al.:

MUNICIPAL CORPORATIONS - TORT LIABILITY - POLICE - WHETHER THE APPELLATE DIVISION CORRECTLY HELD THAT NO TRIABLE ISSUE OF FACT EXISTED REGARDING THE VIOLATIONS OF ESTABLISHED POLICE GUIDELINES GOVERNING THE DISCHARGE OF WEAPONS - INNOCENT BYSTANDERS INJURED DURING POLICE SHOOTOUT WITH ROBBERY SUSPECT;

JOHNSON (FATIN), PEOPLE v:

CRIMES - EVIDENCE - DEPRAVED INDIFFERENCE MURDER - APPELLATE DIVISION'S CONSIDERATION OF APPELLANT'S WEIGHT OF EVIDENCE ARGUMENT ON REMITTAL FROM COURT OF APPEALS; ELEMENTS OF CRIME AS CHARGED TO JURY;

JOHNSON (TERRANCE), PEOPLE v:

CRIMES - APPEAL - WAIVER OF RIGHT TO APPEAL - VALIDITY;

JONES et al. v TOWN OF CARROLL et al.: (Cal. Date - 5/4/10)

LOCAL LAWS - VALIDITY - CHALLENGE TO LOCAL LAW NO. 1 OF 2005 OF THE TOWN OF CARROLL (LOCAL LAW NO. 1) - WHETHER TOWN'S ENACTMENT OF LOCAL LAW NO. 1 VIOLATED THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), WAS ARBITRARY AND CAPRICIOUS, AND ILLEGALLY EXTINGUISHED AN EXISTING LAWFUL USE;

JORDAN (TERENCE G.), PEOPLE v:

CRIMES AND CRIMINAL PROCEDURE - SENTENCE - POST-RELEASE SUPERVISION (PRS) - WHETHER A TRIAL COURT IS AUTHORIZED TO CORRECT A PRIOR FAILURE TO IMPOSE PRS BY RESENTENCING A DEFENDANT TO PRS AFTER HIS ORIGINALLY IMPOSED SENTENCE HAS BEEN FULLY SERVED - EXPIRATION OF FIVE-YEAR PRS TERM BEFORE APPEAL HEARD BY APPELLATE DIVISION; MOOTNESS; AVAILABILITY OF CPL 440 MOTION - REQUEST FOR VACATUR OF PLEA (PEOPLE v CATU 4 NY3d 242); ALLEGED VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS;

JOSEPH II, PEOPLE ex rel. v SUPERINTENDENT OF SOUTHPORT CORRECTIONAL FACILITY: (Cal. Date - 4/28/10)

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - GRANT OF WRIT OF HABEAS CORPUS - WHETHER PETITIONER IS A "DETAINED SEX OFFENDER" AS DEFINED IN MENTAL HYGIENE LAW § 10.03(g)(5) AND THUS THE PROPER SUBJECT OF A PETITION FOR CIVIL MANAGEMENT WHERE PETITIONER WAS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES (DOCS) FOR VIOLATING THE CONDITIONS OF HIS POSTRELEASE SUPERVISION THAT DOCS ADMINISTRATIVELY IMPOSED AT THE SAME TIME THAT PETITIONER WAS RELEASED FROM PRISON AND COMMITTED TO AN OFFICE OF MENTAL HEALTH FACILITY PURSUANT TO MENTAL HYGIENE LAW § 9.27;

KABIR v COUNTY OF MONROE, et al.:

NEGLIGENCE - EMERGENCY DOCTRINE - PLAINTIFF INJURED WHEN HER VEHICLE WAS STRUCK FROM BEHIND BY DEPUTY SHERIFF'S VEHICLE - DEPUTY SHERIFF LOOKING DOWN AT MOBILE DATA TERMINAL TO ASCERTAIN LOCATION OF BURGLARIZED PREMISES ANNOUNCED IN RADIO DISPATCH - WHETHER DEPUTY SHERIFF ENTITLED TO QUALIFIED IMMUNITY UNDER VEHICLE AND TRAFFIC LAW § 1104(3) - "RECKLESS DISREGARD" STANDARD OF LIABILITY; SUMMARY JUDGMENT;

KAUFMAN &c., et al. v QUICKWAY, INC., et al.:

DISMISSAL AND NONSUIT - DISMISSAL OF COMPLAINT - SUMMARY JUDGMENT - WHETHER WITNESS'S HEARSAY STATEMENT IN AFFIDAVIT CREATED AN ISSUE OF FACT SUFFICIENT TO DEFEAT A MOTION FOR SUMMARY JUDGMENT; DRAM SHOP ACT ACTION - GENERAL OBLIGATIONS LAW § 11-101(1) - ALCOHOLIC BEVERAGE CONTROL LAW § 65 - ALLEGEDLY SELLING ALCOHOLIC BEVERAGE TO VISIBLY INTOXICATED PURCHASER;

KAUR, MATTER OF v NEW YORK STATE URBAN DEVELOPMENT CORPORATION &c.
(AND ANOTHER PROCEEDING): (Cal. Date - 6/1/10)

EMINENT DOMAIN - PUBLIC USE - ACQUISITION OF WEST HARLEM ACREAGE FOR DEVELOPMENT OF NEW CAMPUS FOR COLUMBIA UNIVERSITY - PETITIONS PURSUANT TO EMINENT DOMAIN PROCEDURE LAW § 207 CHALLENGING DETERMINATION APPROVING THE PROPERTY ACQUISITION - CIVIC PROJECT OR LAND USE IMPROVEMENT PROJECT; CLOSING OF THE RECORD DURING PENDENCY OF FREEDOM OF INFORMATION LAW PROCEEDINGS;

KELLY (ROBERT), PEOPLE v:

JURY - DELIBERATIONS - AT TRIAL, COURT OFFICERS TEMPORARILY REMOVED ONE JUROR FROM JURY ROOM WITHOUT DIRECTING THE REMAINING JURORS TO REFRAIN FROM DELIBERATING UNTIL ALL JURORS WERE TOGETHER AGAIN; ALLEGED MODE OF PROCEEDINGS ERROR;

KESE INDUSTRIES, et al., MATTER OF v ROSLYN TORAH
FOUNDATION et al.:

TAXATION - TAX LIENS, TAX SALES AND TAX TITLES - WHETHER NASSAU COUNTY ADMINISTRATIVE CODE § 5-51.0 REQUIRED SERVICE OF A COPY OF A NOTICE TO REDEEM UPON THE ATTORNEYS FOR MORTGAGEE AND THE REFEREE APPOINTED IN A SEPARATE FORECLOSURE PROCEEDING TO SELL THE SUBJECT PROPERTY;

KING (BRIAN S.), PEOPLE v: (Cal. Date 4/29/10)

CRIMES - SUPPRESSION HEARING - TRIAL COURT DENIED SUPPRESSION OF THE RESULTS OF SOBRIETY TEST GIVEN TO DEFENDANT WHEN HIS MOTORCYCLE WAS STOPPED IN CONNECTION WITH THE STOP OF ANOTHER BIKER WHO HAD A BURNED OUT TAILLIGHT AND APPEARED INTOXICATED;

KOHL v AMERICAN TRANSIT INSURANCE COMPANY: (Cal. Date - 6/3/10)

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - CHALLENGE TO APPELLATE DIVISION ORDER HOLDING THAT PASSENGER OF TAXI-CAB WHO CAUSED INJURY TO A THIRD PARTY UPON EXITING THE VEHICLE WAS NOT "ENTITLED TO A DEFENSE OR INDEMNITY FOR HIS 'USE' OF A VEHICLE UNDER THE [DEFENDANT INSURER'S] COMMERCIAL AUTOMOBILE POLICY INSURING THE OWNER AND THE DRIVER OF THE TAXI-CAB";

L&L PAINTING COMPANY, INC. v THE CONTRACT DISPUTE RESOLUTION BOARD
OF THE CITY OF NEW YORK, et al.:

PROCEEDING AGAINST BODY OR OFFICER - CONTRACTS - WHETHER A RATIONAL BASIS SUPPORTED THE CONTRACT RESOLUTION BOARD OF THE CITY OF NEW YORK'S DETERMINATION THAT THE CONTRACT DOCUMENTS WERE AMBIGUOUS;

LEGON v PETAKS:

NEGLIGENCE - MAINTENANCE OF PREMISES - PLAINTIFF INJURED WHEN SHE TRIPPED OVER A RACK HOLDING SHOPPING BASKETS IN GROCERY STORE - WHETHER CONDITION OF RACK WAS OPEN AND OBVIOUS OR INHERENTLY DANGEROUS AS CONCEALED BY SHOPPING BASKETS; SUMMARY JUDGMENT;

LEHMAN v NORTH GREENWICH LANDSCAPING, LLC et al.:

NEGLIGENCE - MAINTENANCE OF PREMISES - DUTY TO SAFELY MAINTAIN PARKING LOT - WHETHER SNOW REMOVAL CONTRACT WAS COMPREHENSIVE AGREEMENT THAT DISPLACED DUTY OF DEFENDANT HORTON SCHOOL ASSOCIATES TO MAINTAIN PARKING LOT; SUMMARY JUDGMENT - WHETHER TRIABLE ISSUE OF FACT EXISTS; SNOW AND ICE - SLIP AND FALL ON ICE;

LEROY M., MATTER OF [PRESENTMENT AGENCY]:

INFANTS - JUVENILE DELINQUENTS - SEARCH OF JUVENILE SUSPECT'S HOME AFTER THEFT OF LAPTOP COMPUTER FROM A MIDDLE SCHOOL - EFFECT OF SUSPECTS'S SISTER'S CONSENT TO THE POLICE OFFICER'S SEARCH OF THEIR HOME; EVIDENCE - SUPPRESSION HEARING;

LEVY (MORDEKHAY), PEOPLE:

CRIMES - TRADEMARK COUNTERFEITING - PENAL LAW § 165.72 - WHETHER A TRADEMARK MUST BE REGISTERED FOR THE GOODS ON WHICH THEY APPEAR - WHETHER THE TRIAL COURT ERRED IN REFUSING TO INSTRUCT THE JURY THAT A DEFENDANT MUST KNOW THAT A TRADEMARK IS COUNTERFEIT; SEARCH WARRANT - PROBABLE CAUSE SUPPORTING SEARCH WARRANT;

LIFE RECEIVABLES TRUST v GOSHAWK SYNDICATE 102 AT LLOYD'S, et al.:

ARBITRATION - PROPER FORUM - ARBITRATION AGREEMENT SUBJECT TO AMERICAN ARBITRATION ASSOCIATION RULES - WHETHER MOTION COURT AND APPELLATE DIVISION ERRED IN FINDING THAT ISSUES OF ARBITRABILITY WERE FOR THE ARBITRATOR TO DETERMINE; FEDERAL ARBITRATION ACT;

LIGGINS (JASON D.), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - EMERGENCY EXCEPTION TO WARRANT REQUIREMENT;

LOPEZ (OLLMAN), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - WHETHER DEFENDANT EFFECTIVELY WAIVED HIS RIGHT TO COUNSEL IN THE ABSENCE OF COUNSEL - DEFENDANT REPRESENTED BY COUNSEL ON PENDING UNRELATED CUSTODIAL CHARGE AT TIME OF POLICE INTERROGATION;

H.M. (ANONYMOUS), MATTER OF v E.T. (ANONYMOUS):

COURTS - JURISDICTION - WHETHER FAMILY COURT HAS SUBJECT MATTER JURISDICTION UNDER THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (FAMILY COURT ACT ARTICLE 5-B) TO ENTERTAIN A PETITION BROUGHT BY A CHILD'S BIRTH MOTHER AGAINST HER FORMER SAME-SEX PARTNER, WHO LACKS LEGAL TIES TO THE BIRTH MOTHER AND BIOLOGICAL AND LEGAL TIES TO THE CHILD, FOR AN ORDER ADJUDICATING THE FORMER PARTNER A PARENT OF THE CHILD AND DIRECTING HER TO PAY CHILD SUPPORT;

MACK (RONALD), PEOPLE v:

APPEAL - EFFECTIVENESS OF APPELLATE COUNSEL - APPLICATION FOR WRIT OF ERROR CORAM NOBIS - CLAIMED FAILURE OF APPELLATE COUNSEL TO RAISE ON DIRECT APPEAL THE ISSUE THAT DEFENDANT'S TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO A NON-UNANIMOUS VERDICT;

MANDARIN TRADING, LTD. v WILDENSTEIN et al.:

APPRAISALS - DAMAGES FOR LOSSES ALLEGEDLY SUSTAINED BY ART PURCHASER AS A RESULT OF RELIANCE ON APPRAISAL LETTER VALUING A GAUGUIN PAINTING - CLAIMS FOR FRAUDULENT OR NEGLIGENT MISREPRESENTATION, BREACH OF CONTRACT, BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING, AND UNJUST ENRICHMENT - DISMISSAL OF COMPLAINT PURSUANT TO CPLR 3211;

MASON (STEVEN), PEOPLE v:

CRIMES - EAVESDROPPING WARRANTS - MOTION TO SUPPRESS ELECTRONICALLY GATHERED EVIDENCE - WHETHER THE PEOPLE SATISFIED THE "EXHAUSTION" REQUIREMENT IN CPL 700.15(4) AND SHOWED "THAT NORMAL INVESTIGATIVE PROCEDURES HAVE BEEN TRIED AND HAVE FAILED, OR REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED, OR TO BE TOO DANGEROUS TO EMPLOY";

McALPIN (CHRIS), PEOPLE v:

CRIMES - PLEA OF GUILTY - VACATUR - POST-RELEASE SUPERVISION (PRS) - WHETHER COURT WAS REQUIRED TO ADVISE DEFENDANT OF PRS DURING PLEA ALLOCUTION WHERE DEFENDANT WAS TOLD THAT HE WOULD RECEIVE A "DEFERRED SENTENCE" WITH A POSSIBILITY OF PROBATION AND YOUTHFUL OFFENDER TREATMENT IF HE ENROLLED IN AND SUCCESSFULLY COMPLETED A CERTAIN PROGRAM OR, IF HE FAILED TO DO SO OR WAS ARRESTED FOR ANOTHER CRIME IN THE INTERIM, THAT HE WOULD BE SENTENCED TO A MINIMUM OF THREE YEARS AND A MAXIMUM OF 15 YEARS IN PRISON - COLLATERAL OR DIRECT CONSEQUENCES OF PLEA; PRESERVATION - WAIVER - SUFFICIENCY OF RECORD FOR APPELLATE REVIEW;

MCBRIDE (NORMAN), PEOPLE v:

CRIMES - UNLAWFUL SEARCH AND SEIZURE - WHETHER SUPPRESSION COURT ERRED IN FAILING TO DETERMINE VALIDITY OF WARRANTLESS ENTRY INTO APARTMENT PURSUANT TO PRIMARY MOTIVATION TEST SET FORTH IN PEOPLE v MITCHELL (39 NY2d 173 [1976]) - VALIDITY OF MITCHELL IN LIGHT OF BRIGHAM CITY v STUART (547 US 398 [2006]) - POLICE-CREATED EXIGENCY; CHALLENGE TO IDENTIFICATION TESTIMONY AS PRODUCT OF UNDULY SUGGESTIVE LINEUP;

MCKINNON (DONALD), PEOPLE v:

CRIMES - ASSAULT - EVIDENCE OF "PERMANENT DISFIGUREMENT" PURSUANT TO PENAL LAW § 120.10(2) - SUFFICIENCY OF EVIDENCE TO SUPPORT CONVICTION OF ASSAULT IN THE FIRST DEGREE WHERE VICTIM DISPLAYED HER ARM TO THE JURY, BUT RECORD GIVES NO INDICATION OF WHAT THE JURY SAW;

MCLEAN (SAMUEL), PEOPLE v: (Cal. Date - 5/6/10)

CRIMES - RIGHT TO COUNSEL - WHETHER DEFENDANT'S RIGHT TO COUNSEL ATTACHED IN 2003 IN CONNECTION WITH ROBBERY CHARGES SUCH THAT HIS QUESTIONING BY POLICE OUTSIDE THE PRESENCE OF COUNSEL IN 2006 IN A MURDER INVESTIGATION WAS IMPROPER; SUPPRESSION OF INCULPATORY STATEMENT;

MCRAE (JAMES), PEOPLE v:

CRIMES - CORROBORATION OF ACCOMPLICE TESTIMONY - SUFFICIENCY OF EVIDENCE;

MEEGAN, JR., MATTER OF v BROWN (AND ANOTHER PROCEEDING AND ACTION):

CIVIL SERVICE - COMPENSATION AND BENEFITS - WHETHER, UNDER PUBLIC AUTHORITIES LAW § 3858(2)(c)(i) AND (iii), PROMOTIONAL SALARY STEP INCREASES WERE SUSPENDED AND DID NOT ACCRUE DURING A WAGE FREEZE PERIOD SO THAT, UPON THE LIFTING OF THE WAGE FREEZE, UNION EMPLOYEES WERE ENTITLED ONLY TO ONE SALARY STEP INCREASE RATHER THAN FOUR SALARY STEP INCREASES;

MIDLER v CRANE:

PHYSICIANS - MALPRACTICE - INCONSISTENT VERDICTS - VERDICT FINDING THAT DEFENDANT RHEUMATOLOGIST WAS NOT NEGLIGENT IN FAILING TO DIAGNOSE PLAINTIFF'S LUPUS BUT WAS NEGLIGENT IN FAILING TO PROPERLY MONITOR PLAINTIFF - VERDICT FINDING THAT ENDOCRINOLOGIST WAS NEGLIGENT IN NOT GIVING RHEUMATOLOGIST RESULTS OF URINALYSIS, BUT THAT SUCH NEGLIGENCE WAS NOT A SUBSTANTIAL FACTOR IN CAUSING PLAINTIFF'S INJURIES; JURY CHARGE - WHETHER TRIAL COURT ERRED IN NOT INSTRUCTING THE JURY THAT IT COULD FIND FOR DEFENDANT PHYSICIAN IF IT DETERMINED THAT HE HAD COMMITTED AN "ERROR IN PROFESSIONAL JUDGMENT";

MILLENNIUM PARTNERS, L.P. v SELECT INSURANCE COMPANY, et al.:

INSURANCE - DUTY TO DEFEND AND INDEMNIFY - WHETHER SUMMARY JUDGMENT DISMISSING THE COMPLAINT WAS PROPERLY GRANTED TO INSURER UPON GROUND THAT INSURED'S CLAIM FOR DEFENSE COSTS WAS SUBJECT TO A POLICY EXCLUSION BECAUSE IT AROSE FROM LOSSES THE INSURED INCURRED AS A RESULT OF BEING REQUIRED TO DISGORGE IMPROPERLY ACQUIRED FUNDS - EXISTENCE OF DISPUTED ISSUES OF FACT AS TO WHETHER FUNDS WERE IMPROPERLY ACQUIRED;

MITCHELL (SCOTT), PEOPLE v: (Cal. Date - 5/6/10)

CRIMES - VACATUR OF JUDGMENT OF CONVICTION - WHETHER THE TRANSFER OF DEFENDANT'S PROBATION SUPERVISION TO ANOTHER COUNTY WITHIN NEW YORK STATE, PURSUANT TO CPL 410.80(1) AND 410.80(2), DIVESTS THE ORIGINAL TRIAL/SENTENCING COURT OF JURISDICTION TO HEAR THE DEFENDANT'S CPL 440 MOTION TO SET ASIDE THE UNDERLYING CONVICTION AND SENTENCE;

MONTES (OMAR), PEOPLE v:

CRIMES - RIGHT OF CONFRONTATION - CROSS EXAMINATION AND IMPEACHMENT - WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT'S MOTION FOR A MISTRIAL OR TO STRIKE THE TESTIMONY OF A WITNESS DEFENDANT PREVIOUSLY CROSS EXAMINED WHERE THE WITNESS WAS UNAVAILABLE TO BE RECALLED AFTER IT WAS ESTABLISHED THAT SHE "WAS NOT HONEST WHEN SHE ... FAILED TO STATE THAT [ANOTHER INDIVIDUAL AT THE SCENE OF A SHOOTING DEATH] GAVE HER THE GUN OR GUNS WHEN HE RAN PAST HER AFTER THE SHOOTING OCCURRED";

MOORE &c., et al. v CITY OF NEW YORK, et al.:

MUNICIPAL CORPORATIONS - TORT LIABILITY - POLICE - ACTION FOR DAMAGES FOR CIVIL RIGHTS VIOLATIONS PURSUANT TO 42 USC § 1983 - POLICE DEPARTMENT'S FAILURE TO HAVE POLICY LIMITING OVERTIME;

MOORE (ISHAM), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - FAILURE TO REQUEST JUSTIFICATION CHARGE; LESSER INCLUDED OFFENSE - RECKLESS ASSAULT IN THE SECOND DEGREE;

MORAY v KOVEN & KRAUSS, ESOS.: (Cal. Date - 6/1/10)

DISMISSAL AND NONSUIT - FAILURE TO SERVE COMPLAINT AFTER A DEMAND (CPLR 3012[b]) - WHETHER SUPREME COURT ERRED IN GRANTING A MOTION TO DISMISS A COMPLAINT WHERE DEFENDANT'S DEMAND AND MOTION TO DISMISS WERE SERVED ON PLAINTIFF'S FORMER, SUSPENDED ATTORNEY - EXISTENCE OF AUTOMATIC STAY OF PROCEEDINGS PURSUANT TO CPLR 321(c) - ISSUES RAISED FOR FIRST TIME ON APPEAL;

MORTON et al. v STATE OF NEW YORK: (Cal. Date 5/4/10)

LABOR LAW - SAFE PLACE TO WORK - PLAINTIFF CONSTRUCTION WORKER, EMPLOYED BY NON-PARTY NEW YORK WATER SERVICE COMPANY, INJURED WHEN EXCAVATION WALL COLLAPSED DURING EMERGENCY REPAIRS ON UNDERGROUND WATER MAIN UNDER STATE-OWNED ROADWAY - STATE HAD NO KNOWLEDGE OF WORK BEING PERFORMED - WHETHER PLAINTIFF WAS WITHIN THE CLASS OF PERSONS PROTECTED UNDER LABOR LAW § 241(6); SUMMARY JUDGMENT;

MUHAMMAD (MUJAHID), PEOPLE v:

CRIMES - JURORS - JURY INSTRUCTIONS - WHETHER THE TRIAL COURT'S CHARGE TO THE JURY WAS SUFFICIENT TO APPRISE THE JURY THAT THE PEOPLE WERE REQUIRED TO PROVE DEFENDANT KNEW HE POSSESSED THE SUBJECT CREDIT CARDS - ADEQUACY OF PATTERN JURY INSTRUCTION FOR CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE (PENAL LAW § 170.25);

MUHAMMAD (SHAHID), PEOPLE v:

CRIMES - VERDICT - WHETHER JURY VERDICT FINDING DEFENDANT GUILTY OF ASSAULT IN THE FIRST DEGREE IN CONNECTION WITH THE USE OF A WEAPON WHILE SIMULTANEOUSLY FINDING DEFENDANT NOT GUILTY OF CRIMINAL POSSESSION OF A WEAPON IS REPUGNANT; EXPERT WITNESS - DENIAL OF DEFENDANT'S REQUEST TO PRESENT EXPERT TESTIMONY ON THE RELIABILITY OF EYEWITNESS IDENTIFICATION;

MURRAY (KEZINE), PEOPLE v:

CRIMES - SENTENCE - POST-RELEASE SUPERVISION - WHETHER DEFENDANT'S GUILTY PLEA WAS KNOWINGLY AND VOLUNTARILY ENTERED IN LIGHT OF JUDGE'S IMPOSITION OF THREE YEARS' POST-RELEASE SUPERVISION (PRS) RATHER THAN THE TWO YEARS' PRS DISCUSSED AT THE TIME OF HIS CONDITIONAL PLEA; PRESERVATION OF CLAIM FOR APPELLATE REVIEW;

NATION, MATTER OF v CITY OF NEW YORK:

STATUTES - RETROACTIVE APPLICATION OF STATUTE - WHETHER FORMER SECTION 26-124(c) OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, WHICH PERMITTED THE COMMISSIONER OF THE DEPARTMENT OF BUILDINGS TO "REFUSE TO ACCEPT ANY APPLICATION OR OTHER DOCUMENT ... THAT BEARS THE SIGNATURE OF ANY PERSON WHO HAS BEEN FOUND ... TO HAVE ... NEGLIGENTLY MADE A FALSE STATEMENT," WAS PENAL AND THEREFORE COULD NOT BE APPLIED RETROACTIVELY AGAINST PETITIONER FOR ACTS COMMITTED PRIOR TO ITS PROMULGATION;

NEW YORK CHARTER SCHOOL ASSOCIATION, et al., MATTER OF v SMITH [AND ANOTHER PROCEEDING]:

LABOR - PREVAILING RATE OF WAGES - WHETHER CHARTER SCHOOLS ARE SUBJECT TO THE PREVAILING WAGE LAWS OF LABOR LAW ARTICLE 8;

NEW YORK STATE UNITED TEACHERS, MATTER OF v BRIGHTER CHOICE CHARTER SCHOOL, et al.:

DISCLOSURE - FREEDOM OF INFORMATION LAW (FOIL) - CPLR ARTICLE 78 PROCEEDING AND DECLARATORY JUDGMENT ACTION TO REVIEW SIX DETERMINATIONS OF RESPONDENTS DENYING PETITIONER'S FOIL REQUESTS - SCHOOLS' REFUSAL TO RELEASE CERTAIN IDENTIFYING INFORMATION PERTAINING TO TEACHERS - WHETHER FOIL'S PERSONAL PRIVACY EXCEPTION APPLIES TO THE UNION'S REQUEST FOR INFORMATION - PUBLIC OFFICERS LAW § 89(2)(b)(iii);

NOSTROM &c. v A.W. CHESTERTON COMPANY, et al.:

LABOR - SAFE PLACE TO WORK - EXPOSURE TO TOXIC SUBSTANCES - ACTION ARISING OUT OF PLAINTIFF'S DECEDENT'S ALLEGED EXPOSURE TO ASBESTOS IN THE WORKPLACE - WHETHER OWNER OR GENERAL CONTRACTOR MAY BE HELD VICARIOUSLY LIABLE UNDER LABOR LAW § 241(6) BASED ON ALLEGED VIOLATIONS OF STATE INDUSTRIAL CODE PROVISIONS GOVERNING CONTROL OF AIR CONTAMINANTS;

ORPHAN v PILNIK, et al.:

PHYSICIANS AND SURGEONS - MEDICAL MALPRACTICE - INFORMED CONSENT; SUMMARY JUDGMENT;

ORTEGA (OLDALYS), PEOPLE v:

CRIMES - EVIDENCE - MEDICAL RECORDS - WHETHER THE TRIAL COURT ERRED IN REFUSING, OVER DEFENSE OBJECTION, TO REDACT A KEY STATEMENT IN VICTIM'S MEDICAL RECORDS WHICH DID NOT MEET THE "NECESSARY FOR TREATMENT AND DIAGNOSIS" REQUIREMENT - HARMLESS ERROR;

OURSLEER &c. v BRENNAN, et. al. (AND A THIRD PARTY ACTION):

INTOXICATING LIQUORS - DRAM SHOP ACT - GENERAL OBLIGATIONS LAW § 11-101 - GUILTY PARTICIPATION - WHETHER PLAINTIFF'S PURCHASE OF TWO ALCOHOLIC BEVERAGES FOR HIS WIFE (DECEDENT) AT CORPORATE DEFENDANT'S ESTABLISHMENT DURING PARTY AT WHICH SHE BECAME INTOXICATED CONSTITUTED "GUILTY PARTICIPATION" ON HIS PART AS A

MATTER OF LAW, THUS REQUIRING DISMISSAL OF HIS DRAM SHOP ACT CAUSE OF ACTION BROUGHT IN HIS INDIVIDUAL CAPACITY; CAUSATION - INTERVENING EVENTS BETWEEN SALE OF ALCOHOL AND DECEDENT'S DEATH; CONTRIBUTION - WHEN CLAIM FOR CONTRIBUTION AVAILABLE - CPLR 1401 - WHETHER DEFENDANT SUBJECT TO LIABILITY UNDER WRONGFUL DEATH STATUTE MAY SEEK CONTRIBUTION FROM DEFENDANT SUBJECT TO LIABILITY PURSUANT TO DRAM SHOP ACT;

PARADA (LUIS), PEOPLE v:

CRIMES - SEXUAL CONDUCT AGAINST A CHILD - ADMISSIBILITY OF STATEMENTS OF CHILD TO NURSE EXAMINER DURING EXAMINATION REQUESTED BY PROSECUTOR MORE THAN ONE YEAR AFTER ALLEGED ABUSE - WHETHER STATEMENTS MADE BY CHILD TO AUNT AND COUSIN WERE ADMISSIBLE UNDER THE "PROMPT OUTCRY" HEARSAY EXCEPTION - WHETHER DEFENSE COUNSEL'S CROSS-EXAMINATION OF POLICE DETECTIVE OPENED THE DOOR TO THE ENTIRETY OF THE CHILD'S STATEMENT TO THE DETECTIVE; EXPERT TESTIMONY REGARDING CONSISTENCY OF VICTIM'S BEHAVIOR WITH THAT OF ABUSE VICTIMS; HARMLESS ERROR;

PARKER REALTY GROUP, INC. v PETIGNEY &c.:

BROKERS - REAL ESTATE BROKERS - COMMISSION - MODIFICATION OF AGREEMENT - QUANTUM MERUIT;

PERKINS (NAYSHAWN), PEOPLE v: (Cal. Date - 6/2/10)

CRIMES - IDENTIFICATION OF DEFENDANT - CPL 60.30 - WHETHER TRIAL COURT COMMITTED REVERSIBLE ERROR BY ADMITTING TESTIMONY FROM SOLE WITNESS TO IDENTIFY DEFENDANT AT TRIAL CONCERNING, AMONG OTHER THINGS, THAT WITNESS'S PRETRIAL PHOTO ARRAY IDENTIFICATION OF DEFENDANT WHERE THE PHOTO ARRAY WAS CONDUCTED AFTER DEFENDANT REFUSED TO PARTICIPATE IN A LINEUP EVEN THOUGH DEFENDANT ULTIMATELY WAS IDENTIFIED IN A LINEUP NINE MONTHS AFTER THE CRIME - WHETHER POLICE TESTIMONY IMPROPERLY BOLSTERED DEFENDANT'S IDENTIFICATION;

PORTFOLIO RECOVERY ASSOCIATES, LLC v KING:

CONFLICT OF LAWS - WHAT LAW GOVERNS - WHETHER NEW YORK'S "BORROWING STATUTE," CPLR 202, APPLIES AND, IF SO, WHETHER THIS COLLECTION ACTION TO RECOVER A CREDIT CARD BALANCE IS UNTIMELY UNDER THE THREE-YEAR DELAWARE STATUTE OF LIMITATION (WHERE THE BANK THAT ISSUED THE CREDIT CARD WAS INCORPORATED); ASSIGNMENTS - VALIDITY; SUMMARY JUDGMENT - EXISTENCE OF TRIABLE ISSUES OF MATERIAL FACT;

PORTO (WILLIAM), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - CHALLENGE TO APPELLATE DIVISION ORDER CONCLUDING THAT THE TRIAL "COURT PROPERLY DENIED DEFENDANT'S DAY-OF-TRIAL MOTION FOR ASSIGNMENT OF NEW COUNSEL SINCE HIS PAPERS LACKED SPECIFIC FACTUAL ALLEGATIONS AND DID NOT CONTAIN ANY SERIOUS COMPLAINT REQUIRING INQUIRY BY THE COURT" AND BECAUSE "THE COURT ENGAGED IN A COLLOQUY WITH DEFENSE COUNSEL THAT DID NOT REVEAL ANY REASON FOR SUBSTITUTION OR FURTHER INQUIRY";

PRINDLE (MICHAEL EDWARD), PEOPLE v:

CRIMES - MURDER - DEPRAVED INDIFFERENCE MURDER - SUFFICIENCY OF THE EVIDENCE OF DEPRAVITY TO SUPPORT CONVICTION AND TO SUPPORT CHARGE IN THE INDICTMENT; EVIDENCE - WHETHER SUPREME COURT ERRED IN REFUSING TO ALLOW A DEFENSE WITNESS TO TESTIFY THAT A THIRD PERSON, RATHER THAN DEFENDANT, WAS CULPABLE;

RABB (REGINALD), PEOPLE v:

CRIMES - EAVESROPPING WARRANTS - MOTION TO SUPPRESS ELECTRONICALLY GATHERED EVIDENCE - WHETHER THE PEOPLE SATISFIED THE "EXHAUSTION" REQUIREMENT IN CPL 700.15(4) AND SHOWED "THAT NORMAL INVESTIGATIVE PROCEDURES HAVE BEEN TRIED AND HAVE FAILED, OR REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED, OR TO BE TOO DANGEROUS TO EMPLOY";

REGAL CONSTRUCTION CORPORATION, et al. v NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, et al.: (Cal. Date - 5/5/10)
INSURANCE - DUTY TO DEFEND AND INDEMNIFY - ADDITIONAL INSURED COVERAGE - INSURANCE COVERAGE FOR PROJECT MANAGER'S FALL ON FRESHLY PAINTED FLOOR JOIST IN RENOVATION PROJECT AT RIKERS ISLAND; SUMMARY JUDGMENT;

REOME (NATHAN), PEOPLE v: (Cal. Date - 5/6/10)

CRIMES - RAPE - CORROBORATION OF ACCOMPLICE TESTIMONY;

RIVERA (ALEX), PEOPLE v:

CRIMES - VERDICT - PROPRIETY OF TRIAL COURT'S REJECTION OF JURY'S PARTIAL VERDICT; ADJUDICATION OF DEFENDANT AS A PERSISTENT VIOLENT FELONY OFFENDER - SPECIFICITY OF PROOF OF VIOLENT FELONY; RIGHT TO COUNSEL - ALLEGED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL;

RIVERA &c., et al. v KLEINMAN, et al.:

PHYSICIANS AND SURGEONS - MEDICAL MALPRACTICE - FAILURE TO FOLLOW DOCTOR'S ADVICE AS SUPERSEDING CAUSE OF INJURY; SUMMARY JUDGMENT;

RUFFIN v LION CORP., &c., et al.:

DISMISSAL AND NONSUIT - FAILURE TO SERVE COMPLAINT - FAILURE TO COMPLY WITH OUT-OF-STATE SERVICE OF PROCESS REQUIREMENTS OF CPLR 313 - JURISDICTIONAL DEFECT VERSUS MERE IRREGULARITY WHICH CAN BE CORRECTED OR DISREGARDED UNDER CPLR 2001; PERSONAL JURISDICTION;

SCHNEIDER, ESTATE OF v FINMANN, et al.: (Cal. Date - 5/4/10)

ATTORNEY AND CLIENT - MALPRACTICE - ACCRUAL OF CAUSE OF ACTION - WHETHER CAUSE OF ACTION FOR LEGAL MALPRACTICE IN ESTATE PLANNING ACCRUES WHEN THE MALPRACTICE IS COMMITTED, THEREBY SURVIVING DECEDENT'S DEATH AND PERMITTING THE ESTATE TO COMMENCE A LEGAL ACTION PURSUANT TO EPTL 11-3.2(b) - QUESTION OF PRIVACY BETWEEN ESTATE AND DECEDENT'S LAWYER; INCREASED ESTATE TAXES AS DAMAGES;

SCULLY (RANCE), PEOPLE v:

CRIMES - SEARCH WARRANT - DENIAL OF MOTION TO SUPPRESS GUN RECOVERED FROM DEFENDANT'S PERSON AND DRUGS RECOVERED FROM HIS APARTMENT DURING EXECUTION OF A SEARCH WARRANT FOR THE APARTMENT - WHETHER DEFENDANT HAD STANDING TO CHALLENGE ISSUANCE OF THE SEARCH WARRANT; JURY INSTRUCTIONS - COURT'S SUA SPONTE INSTRUCTION THAT THE JURY WAS NOT TO DRAW A NEGATIVE INFERENCE FROM DEFENDANT'S FAILURE TO TESTIFY AND COURT'S FAILURE TO REPEAT IN FINAL JURY CHARGE AN INSTRUCTION REGARDING DEFENDANT'S ABSENCE AT TRIAL; ALLEGEDLY IMPROPER EXPERT TESTIMONY - TESTIMONY BY POLICE OFFICERS THAT, IN THEIR EXPERIENCE, THE AMOUNT OF COCAINE FOUND IN THE APARTMENT WAS CONSISTENT WITH POSSESSION WITH INTENT TO SELL;

SIMMONS (PARIS), PEOPLE v: (Cal. Date - 6/3/10)

CRIMES - INSTRUCTIONS - CHALLENGE TO TRIAL COURT'S RESPONSE TO JURY QUESTION REGARDING INTENT ELEMENT OF ATTEMPTED ASSAULT IN THE FIRST DEGREE;

SINGH v THE CITY OF NEW YORK DIVISION OF HOUSING PRESERVATION AND DEVELOPMENT:

JUDGMENTS - COLLATERAL ESTOPPEL; DENIAL OF MOTION FOR RENEWAL;

SMITH &c. v SHERWOOD, et al.:

NEGLIGENCE - DUTY - PRIVATE SCHOOL STUDENT STRUCK BY CAR AFTER EXITING PRIVATE BUS TRANSPORTING STUDENTS UNDER CONTRACT WITH REGIONAL TRANSPORTATION AUTHORITY AND SCHOOL DISTRICT - WHETHER REGIONAL TRANSPORTATION AUTHORITY AND DRIVER HAD DUTY TO PROTECT CHILD WHO HAD TO CROSS STREET; SUMMARY JUDGMENT;

SMITH (REMY), PEOPLE v:

CRIMES - JURORS - JURY INSTRUCTION - WHETHER THE TRIAL COURT ERRED IN INFORMING THE JURY "IF YOU FIND [THE VICTIM] WAS TRUTHFUL AND ACCURATE IN HER TESTIMONY TO YOU, HER TESTIMONY WITHOUT ANY OTHER EYEWITNESS TO WHAT HAPPENED INSIDE THE CAR, UNDER THE LAW SATISFIES THE PROOF BEYOND A REASONABLE DOUBT"; PRECLUSION OF CERTAIN ARGUMENT BY DEFENDANT'S COUNSEL IN SUMMATION;

SPICOLA (MICHAEL), PEOPLE v:

CRIMES - WITNESSES - EXPERT WITNESS - CLINICAL SOCIAL WORKER PERMITTED TO TESTIFY CONCERNING CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME AND REASON FOR DELAY IN REPORTING INCIDENT TO AUTHORITIES - TESTIMONY FROM NURSE PRACTITIONER REGARDING STATEMENTS MADE BY VICTIM DURING EXAMINATION; PRECLUSION OF CHARACTER WITNESSES FOR DEFENDANT; INDICTMENT ISSUED MORE THAN SIX YEARS AFTER ALLEGED OFFENSES; JURY INSTRUCTIONS;

STATE FARM MUTUAL AUTOMOBILE COMPANY v LANGAN &c.:

(Cal. Date - 4/28/10)

INSURANCE - AUTOMOBILE INSURANCE - INSURED INTENTIONALLY STRUCK BY CAR - COVERAGE UNDER POLICY'S MANDATORY PERSONAL INJURY PROTECTION ENDORSEMENT AND DEATH, DISMEMBERMENT AND LOSS OF SIGHT PROVISIONS - INTERPRETATION OF TERM "ACCIDENT"; LAW OF THE CASE;

STATE OF NEW YORK, MATTER OF v HUMBERTO G.:

CRIMES - SEX OFFENDERS - CIVIL COMMITMENT OR SUPERVISION - DENIAL OF PETITION FOR CIVIL MANAGEMENT - WHETHER RESPONDENT IS A "DETAINED SEX OFFENDER" AS DEFINED IN MENTAL HYGIENE LAW § 10.03(g)(5) AND THUS THE PROPER SUBJECT OF A PETITION FOR CIVIL MANAGEMENT WHERE HE WAS COMMITTED TO AN OFFICE OF MENTAL HEALTH FACILITY PURSUANT TO MENTAL HYGIENE LAW ARTICLE 9 UPON HIS RELEASE FROM PRISON IN 2007, ALTHOUGH RESPONDENT WAS NOT LAWFULLY IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES WHEN THE PETITION FOR CIVIL MANAGEMENT WAS COMMENCED IN 2008;

STATE OF NEW YORK, et al. v PHILIP MORRIS INCORPORATED, et al.:

STATE - MASTER SETTLEMENT AGREEMENT BETWEEN VARIOUS STATES AND TOBACCO MANUFACTURERS - ANNUAL PAYMENTS BY TOBACCO MANUFACTURERS TOWARD COSTS OF TREATING SMOKING-RELATED ILLNESSES - "QUALIFYING STATUTES" - PUBLIC HEALTH LAW, ARTICLE 13-G; IMPACT OF NEW YORK'S POLICY REGARDING CIGARETTES SOLD ON TRIBAL LANDS; ACTION BY NEW YORK STATE SEEKING DECLARATION THAT "UNITS SOLD," AS DEFINED IN PUBLIC HEALTH LAW, ARTICLE 13-G, EXCLUDES CIGARETTE SALES ON WHICH EXCISE TAXES HAVE NOT BEEN COLLECTED AS A MATTER OF PUBLIC POLICY; MOTION BY TOBACCO MANUFACTURERS TO COMPEL ARBITRATION; DISMISSAL OF CERTAIN MANUFACTURERS' APPEAL TO APPELLATE DIVISION FOR LACK OF AGGRIEVEMENT ON THE BASIS THAT SUCH MANUFACTURERS ARE NOT PARTIES TO THE MASTER SETTLEMENT AGREEMENT AND THEREFORE NOT PARTIES TO THE ARBITRATION;

SYKES, et al. v RFD THIRD AVENUE 1 ASSOCIATES, LLC, et al.

TORTS - NEGLIGENT MISREPRESENTATION - WHETHER ALLEGATIONS AGAINST MECHANICAL ENGINEER FOR BUILDING WHERE PLAINTIFFS PURCHASED AN APARTMENT ARE SUFFICIENT TO STATE A CAUSE OF ACTION FOR NEGLIGENT MISREPRESENTATION;

SYVILLE (NATHANIEL), PEOPLE v:

CRIMES - RIGHT TO COUNSEL - EFFECTIVE REPRESENTATION - COUNSEL'S FAILURE TO TIMELY FILE NOTICE OF APPEAL OR MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL;

TAYLOR (GREGORY), PEOPLE v:

CRIMES - DEPRAVED INDIFFERENCE MURDER - SUFFICIENCY OF THE EVIDENCE;

THOMAS (CLYDE, JR.), PEOPLE v:

CRIMES - SENTENCE - RESENTENCE - ADDITION OF POST-RELEASE SUPERVISION TO SENTENCE AFTER DEFENDANT'S RELEASE FROM PRISON;

TISLON, PEOPLE ex rel. v ROCK:
HABEAS CORPUS - AVAILABILITY OF RELIEF;

TUNG v CHIU:
PHYSICIANS AND SURGEONS - DENTISTS - MALPRACTICE; APPEAL - APPELLATE DIVISION GRANT OF MOTION TO COMPEL APPELLANT TO POST AN UNDERTAKING FOR SUMS OF JUDGMENTS ENTERED AGAINST HIM - CPLR 6312(b);

VALENCIA (ALBEIRO), PEOPLE &c.: (Cal. Date - 4/29/10)
CRIMES AND CRIMINAL PROCEDURE - ASSAULT - DEPRAVED INDIFFERENCE ASSAULT - MENS REA - WHETHER DEFENDANT'S STATE OF MIND AT THE TIME HE CONSUMED ALCOHOL WAS TOO TEMPORALLY REMOTE FROM HIS LATER OPERATION OF A VEHICLE AND COLLISION WITH COMPLAINANT'S VEHICLES TO SUPPORT A CONVICTION FOR DEPRAVED INDIFFERENCE ASSAULT;

WAGGONER, et al. v CARUSO, et al.:
ATTORNEY AND CLIENT - MALPRACTICE - WHETHER THE COMPLAINT STATED A CAUSE OF ACTION FOR LEGAL MALPRACTICE AND WHETHER THE APPELLATE DIVISION IMPROPERLY APPLIED A SUMMARY JUDGMENT STANDARD ON A PRE-ANSWER MOTION TO DISMISS IN DETERMINING THAT "PLAINTIFFS HAVE NOT DEMONSTRATED THAT THEY WOULD HAVE PREVAILED IN ANY UNDERLYING PROCEEDING BUT FOR DEFENDANTS' ALLEGED NEGLIGENCE"; AMENDMENT OF COMPLAINT; TORTS - BREACH OF FIDUCIARY DUTY - DISMISSAL OF BREACH OF FIDUCIARY DUTY CLAIM AS REDUNDANT OF THE LEGAL MALPRACTICE CAUSE OF ACTION;

WALSH, MATTER OF v KATZ, et al.:
ELECTIONS - DESIGNATING PETITIONS - RESIDENCY REQUIREMENT - PROCEEDING PURSUANT TO ELECTION LAW § 16-102 TO INVALIDATE A PETITION DESIGNATING DANIEL C. ROSS AS A CANDIDATE IN A PRIMARY ELECTION HELD 9/15/09 FOR THE NOMINATION OF THE DEMOCRATIC PARTY AS ITS CANDIDATE FOR TOWN JUSTICE, FISHERS ISLAND, TOWN OF SOUTHDOLD - LAWS OF 1977, CHAPTER 276 § 2, PROVIDING FOR A FIFTH TOWN JUSTICE OF THE TOWN OF SOUTHDOLD, WHO ALSO WAS TO SERVE AS A MEMBER OF THE TOWN BOARD OF THE TOWN OF SOUTHDOLD AND WAS REQUIRED TO RESIDE ON FISHERS ISLAND - EFFECTIVE DATE OF RESIDENCY REQUIREMENT - CHALLENGE TO CONSTITUTIONALITY OF THE RESIDENCY REQUIREMENT;

WASHINGTON, PEOPLE ex rel., v NAPOLI:
HABEAS CORPUS - SENTENCE - CONSECUTIVE SENTENCES - WHETHER PETITIONER'S SENTENCES WERE TO RUN CONCURRENTLY OR CONSECUTIVELY WITH THE UNDISCHARGED PORTIONS OF HIS PREVIOUS SENTENCES; CHALLENGE TO STATUS AS SECOND FELONY OFFENDER;

WEAVER (TONY), PEOPLE v:
CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE - DISORDERLY CONDUCT - WHETHER CIRCUMSTANCES OF INCIDENT PRESENTED A PUBLIC ANNOYANCE CONSISTENT WITH PEOPLE v MUNAFO (50 NY2d 326); RESISTING ARREST; JURY INSTRUCTIONS;

WELCH, MATTER OF v FISCHER:

PROCEEDING AGAINST BODY OR OFFICER - CERTIORARI - REVIEW OF SENTENCE COMPUTATION BY DEPARTMENT OF CORRECTIONAL SERVICES;

WELLS (PETER), PEOPLE v:

CRIMES - JURORS - DISCHARGE OF JUROR - WHETHER TRIAL COURT ERRED IN DISCHARGING A SWORN JUROR BEFORE COMPLETION OF JURY SELECTION WHERE THE JUROR "EXPRESSED CONCERNS ABOUT HIS ABILITY TO CONCENTRATE ON THE TRIAL DUE TO JOB-RELATED COMMITMENTS" - CPL 270.15(3) - CPL 270.35(1); JURY INSTRUCTIONS - WHETHER TRIAL COURT PROPERLY DETERMINED THAT DEFENDANT WAS NOT ENTITLED TO A CHARGE ON THE AFFIRMATIVE DEFENSE TO ROBBERY IN THE FIRST DEGREE AND BURGLARY IN THE FIRST DEGREE;

WILLIAMS (IVIN), PEOPLE v:

CRIMES - SENTENCE - RESENTENCE - ADDITION OF POST-RELEASE SUPERVISION TO SENTENCE AFTER DEFENDANT'S RELEASE FROM PRISON;

WILLIAMS (JAIR), PEOPLE v:

CRIMES - JURORS - JURY INSTRUCTIONS - WHETHER TRIAL COURT ERRED IN FAILING TO AFFORD THE DEFENSE NOTICE AND AN OPPORTUNITY TO BE HEARD BEFORE IT REJECTED AS REPUGNANT THE INITIALLY ANNOUNCED JURY VERDICT, AND IN THEREAFTER GIVING EXTENSIVE SUPPLEMENTAL JURY INSTRUCTIONS AND RESUBMITTING THE CASE FOR FURTHER DELIBERATIONS - VERDICT SHEET COMPLETED BY JURY IN THE COURTROOM WITH OPEN COURT DISCUSSIONS AMONG THE JURORS; DUE PROCESS; EFFECTIVE ASSISTANCE OF COUNSEL;

WILLIAMS (RAHJEEM), PEOPLE v: (Cal. Date - 6/3/10)

CRIMES - JURORS - WHETHER DEFENDANT MADE A KNOWING, INTELLIGENT AND VOLUNTARY WAIVER OF THE RIGHT TO BE PRESENT AT DISCUSSIONS WITH PROSPECTIVE JURORS REGARDING POSSIBLE BIAS;

WILSON (DESIRIE), PEOPLE v: (Cal. Date - 5/5/10)

CRIMES - EVIDENCE - SUFFICIENCY OF EVIDENCE TO SUPPORT CONVICTION OF ATTEMPTED AGGRAVATED HARASSMENT IN THE SECOND DEGREE; CLAIMED IMPROPRIETY IN TRANSFER OF CASE FROM CRIMINAL COURT TO SUPREME COURT; SUBJECT MATTER JURISDICTION OF TRIAL COURT;

WOOLEY, MATTER OF v NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES: (Cal. Date - 6/2/10)

PRISONS AND PRISONERS - MEDICAL AND SURGICAL TREATMENT - DISMISSAL OF CPLR ARTICLE 78 PROCEEDING CHALLENGING RESPONDENT'S ALLEGED FAILURE TO PROVIDE NECESSARY MEDICAL CARE;

ZONA (JOSHUA M.), PEOPLE v:

CRIMES - JURORS - JURY INSTRUCTIONS - WHETHER TRIAL COURT ERRED IN DECLINING TO INSTRUCT THE JURY ON THE CLAIM OF RIGHT DEFENSE ASSERTED BY DEFENDANT - PENAL LAW § 155.15(1); LARCENY;