

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office
December 12 through December 18, 2008

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.

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.

D'ALESSANDRO (GUISEPPE), PEOPLE v:

1ST Dept. App. Div. order of 8/19/08; denial of motion for reargument of denial of writ of error coram nobis; leave to appeal granted by Graffeo, J., 11/26/08;
CRIMES AND CRIMINAL PROCEDURE - TREATMENT OF SUCCESSIVE APPLICATIONS FOR WRIT OF ERROR CORAM NOBIS - RIGHT TO COUNSEL - EFFECTIVE APPELLATE REPRESENTATION;
App. Div. denied defendant's motion for reargument of a May 11, 2000 order denying his application for a writ of error coram nobis.

HARDY, JR. (J.W.), PEOPLE v:

4TH Dept. App. Div. order of 3/14/08; affirmance; leave to appeal granted by Kaye, Ch.J., 12/4/08;

CRIMES AND CRIMINAL PROCEDURE - ESCAPE IN THE SECOND DEGREE

(PENAL LAW § 205.10[2]) - SUFFICIENCY OF THE EVIDENCE THAT

DEFENDANT WAS IN "CUSTODY" WHEN HE FLED FROM THE COURTHOUSE;

Orleans County Court convicted defendant, upon a jury trial, of escape in the second degree; App. Div. affirmed.

