

COURT OF APPEALS NEW FILINGS

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

November 26, 2021 through December 2, 2021

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.

PEOPLE v CARMAN (PETER):

2nd Dept. App. Div. order of 5/5/21; affirmance with one judge dissenting; leave to appeal granted by the App. Div. on 11/17/21;

Crimes--Sex Offenders-- Whether counsel was ineffective for failing to request a downward departure from defendant's presumptive risk level assessment; whether that issue was raised at the Appellate Division;

County Court, Suffolk County, after a hearing, designated defendant a level three sex offender pursuant to Correction Law article 6-C; App. Div. affirmed.

PEOPLE v WEBER (CHRISTOPHER J.):

4th Dept. App. Div. order of 6/17/21; affirmance; leave to appeal granted by the Court of Appeals, 11/18/21;

Crimes--Sex Offenders--Whether the Appellate Division erroneously remitted the matter to County Court for an upward departure determination; whether an upward departure was properly granted;

County Court, Monroe County, determined that the defendant is a level three sex offender; App. Div. affirmed.