



*State of New York  
Court of Appeals*

Vol. 42 - No. 13  
4/18/22

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COURT OF APPEALS NEW FILINGS

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

**April 1, 2022 through April 7, 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.**

PEOPLE v BA (MAMADOU):

1st Dept., App. Term order of 1/7/22; modification and affirmance; leave to appeal granted by Rivera, J., 3/24/22;

**Crimes--Sentence--Whether Appellate Term improperly rejected a request to reduce a sentence in the interest of justice because the sentence was not illegally high and the result of a negotiated plea;**

Criminal Court, New York City, convicted defendant, upon his guilty plea, of unlicensed general vending and sentenced him to a \$500 fine and a \$250 surcharge; App. Term, 1st Dept., modified to reduce the \$250 surcharge to \$200, and otherwise affirmed.

PEOPLE v MYERS (MICHAEL):

4th Dept. App. Div. order of 10/8/21; affirmance; leave to appeal granted by Singas, J.,

3/24/22;

**Crimes--Suppression Hearing--Whether statements made by defendant should have been suppressed on the ground that the People failed to comply with the notice requirement of CPL 700.70; whether a phone conversation is an "intercepted communication" under CPL 700.50 (3) (a) if the conversation is simultaneously overheard on a government wiretap and recorded by a third party with consent from a caller other than the defendant to record the call; whether evidence is "derived [] from" an intercepted communication such that it triggers CPL 700.70's notice requirements;**

County Court, Onondaga County, convicted defendant, upon a jury verdict, of leaving the scene of an incident resulting in death without reporting; App. Div. affirmed.