

State of New York
Court of Appeals

Decisions

May 21, 2024

CASES

No. 51

The People &c.,
Respondent,
v.
Jason Brown,
Appellant.

Order reversed and accusatory instrument dismissed.
Opinion by Judge Troutman.
Judges Garcia, Singas, Cannataro and Halligan
concur.
Judge Rivera concurs in result in an opinion, in
which Chief Judge Wilson concurs.

2 No. 56

The People &c.,
Respondent,
v.
Dwane Estwick,
Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Rivera.
Chief Judge Wilson and Judges Garcia, Singas,
Cannataro, Troutman and Pritzker concur.
Judge Halligan took no part.

4 No. 54

The People &c.,
Respondent,
v.
Eugene L. Lively,
Appellant.

Order reversed and indictment dismissed.
Opinion by Judge Troutman.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro and Halligan concur.

3 No. 45

Roman Catholic Diocese of Albany, et al.,
Appellants,
v.
Maria T. Vullo, &c. et al.,
Respondents,
et al.,
Defendants.
(And Another Related Action.)

Order affirmed, without costs.
Opinion by Chief Judge Wilson.
Judges Rivera, Garcia, Singas, Cannataro, Troutman
and Iannacci concur.
Judge Halligan took no part.

3 No. 53
The People &c.,
 Respondent,
 v.
Dominic F. Spirito,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Cannataro, Troutman and Halligan concur.

MOTIONS

1 Mo. No. 2023-846
In the Matter of 4040 BA LLC,
 Appellant,
 v.
New York State Division of Housing and
Community Renewal,
 Respondent.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

1 Mo. No. 2023-765
The People &c.,
 Respondent,
 v.
Jesus Ayala,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

2 Mo. No. 2023-792
The People &c. ex rel. Peter A. Barta, on
behalf of Shyheid Gibson,
 Appellant,
 v.
Louis A. Molina, &c.,
 Respondent.

Motion for leave to appeal granted.
Motion for poor person relief granted.

1 Mo. No. 2023-840
In the Matter of Claudia Cameron, &c.,
 Appellant,
 v.
Dermot F. Shea, &c., et al.,
 Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2023-849
Nicole Cantore, &c.,
Appellant,
v.
Warren Constantine et al.,
Defendants,
Tal Daikers et al.,
Respondents.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

4 Mo. No. 2023-850
In the Matter of COR Van Rensselaer Street
Company III, Inc.,
Appellant,
v.
New York State Urban Development
Corporation, &c.,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

Judge Troutman took no part.

2 Mo. No. 2024-54
The People &c.,
Respondent,
v.
Victor Espinoza,
Appellant.

Motion for leave to appeal denied.
Judge Singas took no part.

1 Mo. No. 2023-841
The People &c.,
Respondent,
v.
Jazzmond Foy,
Appellant.

Motion for leave to appeal denied.

2 Mo. No. 2024-30
The People &c.,
Respondent,
v.
Jaime Lozano,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2023-803
The People &c.,
Respondent,
v.
Lameek N. Mills,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2024-41
Dana Offenbach et al.,
Respondents,
v.
Gary Ohlbaum,
Appellant.

Motion for leave to appeal from the Supreme Court judgment entered upon the Appellate Division order dismissed upon the ground that the judgment is not the final appealable paper from which leave to appeal may be sought (*see* CPLR 5611).

1 Mo. No. 2023-714
In the Matter of One Double Nine Dashing,
LLC,
Respondent,
v.
New York City Loft Board,
Appellant,
Stavit Allweis, et al.,
Appellants.

Motions for leave to appeal denied.

1 Mo. No. 2023-815
The People &c.,
Respondent,
v.
Isaac Resto,
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2024-11
In the Matter of Save Monroe Ave., Inc., et al.,
Appellants,
v.
Town of Brighton, et al.,
Respondents,
et al.,
Respondents/Defendants.

Motion for leave to appeal denied.
Judge Troutman took no part.

2 Mo. No. 2024-29
The People &c.,
Respondent,
v.
William Savino,
Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2023-667
In the Matter of South Street Seaport
Coalition, Inc. et al.,
Appellants,
v.
Landmarks Preservation Commission of the
City of New York, et al.,
Respondents.

Motion for leave to appeal denied.

2 Mo. No. 2024-4
The People &c.,
Respondent,
v.
Sean Sprosta,
Appellant.

Motion for leave to appeal denied.

1 Mo. No. 2024-59
Miho Suzuki,
Respondent,
v.
Philip Alan Greenberg,
Appellant.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

2 Mo. No. 2024-63
Keith Thomas,
Appellant,
v.
County of Westchester et al.,
Respondents.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

3 Mo. No. 2024-60
In the Matter of the Ruth A. Timm
Irrevocable Trust et al.

Scott D. Moore,
 Respondent;
Glenn T. St. Julien,
 Appellant,
et al.,
 Respondent.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

2 Mo. No. 2023-725
In the Matter of Marilyn Tinter,
 Appellant,
v.
Board of Trustees of the Pound Ridge Library
District, et al.,
 Respondents.

Motion for leave to appeal denied.

1 Mo. No. 2024-26
The People &c.,
 Respondent,
v.
Heriberto Torres,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2024-49
In the Matter of Jimmy Wagner,
 Appellant,
v.
New York City Department of Education,
 Respondent.

Motion for leave to appeal granted.

4 Mo. No. 2023-743
Jackie Weisbrod-Moore,
 Appellant,
 v.
Cayuga County,
 Respondent,
et al.,
 Defendants.

Motion for leave to appeal granted.