

COURT OF APPEALS NEW FILINGS

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

September 6, through September 12, 2019

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.

LENDOLF-GONZALEZ (BENITO), PEOPLE v:

4TH Dept. App. Div. order of 3/15/19; modification; leave to appeal granted by Garcia, J., 6/27/19;

Crimes--Attempt--Whether evidence was legally sufficient to support conviction for attempted murder in the first and second degree; defendant, inmate at county jail, solicited fellow inmate to kill defendant's wife and mother-in-law upon the inmate's release from jail;

Supreme Court, Niagara County, convicted defendant of two counts of attempted murder in the first degree, two counts of attempted murder in the second degree, and criminal solicitation in the second degree; App. Div. modified, by reversing those parts convicting defendant of attempted murder in the first degree and attempted murder in the second degree, and dismissing counts three through six of the indictment, and as so modified, affirmed.

UPSTATE JOBS PARTY, et al. v CZARNY &c., et al.:

Supreme Court, Onondaga County, judgment of 9/3/19; dismissal;

Elections--Ballots--Whether Election Law § 7-104(4), on its face or as applied to the 2019 Onondaga County Executive contest, violates free speech and equal protection rights afforded plaintiffs under the federal and State Constitution;

Supreme Court denied requested relief and dismissed petition; appeal transferred to the Appellate Division, Fourth Department, by order dated September 11, 2019.