

COURT OF APPEALS NEW FILINGS

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

January 31, 2020 through February 6, 2020

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.

BAKER (TREVIS D.), PEOPLE v:

4TH Dept. App. Div. order of 8/22/19; affirmance; leave to appeal granted by Fahey, J., 1/21/20; Rule 500.11 review pending;

Appeal--Waiver of Right to Appeal--Whether defendant's waiver of the right to appeal was invalid;

County Court, Orleans County, convicted defendant of criminal sale of a controlled substance in the third degree; App. Div. affirmed.

MAGEE (JEFFREY R.), PEOPLE v:

4TH Dept. App. Div. order of 9/27/19; affirmance; leave to appeal granted by DiFiore, Ch.J., 1/24/20; Rule 500.11 review pending;

Appeal--Waiver of Right to Appeal--Whether defendant's waiver of right to appeal was invalid;

County Court, Orleans County, convicted defendant of attempted criminal possession of a controlled substance in the third degree; App. Div. affirmed.

SCHNEIDER (JOSEPH), PEOPLE v:

2ND Dept. App. Div. order of 10/16/19; affirmance; leave to appeal granted by Fahey, J., 1/15/20;

Crimes--Eavesdropping Warrants--Whether Supreme Court lacked jurisdiction to issue eavesdropping warrants against defendant to intercept cellular telephone calls and electronic messages that were made and received outside New York State; interpretation of the word "executed" in CPL article 700; alleged constitutional violations;

Supreme Court, Kings County, convicted defendant of enterprise corruption, promoting gambling in the first degree, possession of gambling records in the first degree, and conspiracy in the fifth degree; App. Div. affirmed.