

COURT OF APPEALS NEW FILINGS

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

**February 12, 2021 through February 18, 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.**

DERIVAL (PHYLIP), PEOPLE v:

2<sup>ND</sup> Dept. App. Div. order of 3/25/20; reversal with Justices dissenting; sua sponte examination of whether the Appellate Division order of reversal was "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal"; leave to appeal granted by LaSalle, J., 1/27/21;

**Crimes--Verdict--Whether the Appellate Division erred in reversing the verdict as against the weight of evidence;**

County Court, Rockland County, convicted defendant, after a nonjury trial, of criminally negligent homicide; App. Div. reversed, dismissed the indictment, and remitted the matter to County Court for further proceedings.