



*State of New York
Court of Appeals*

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COURT OF APPEALS NEW FILINGS

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

June 28, 2024 through July 4, 2024

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.

SARATOGA BDC LIMITED v GRABOWSKI:

APL-2024-00084

3rd Dept. App. Div. order of 5/16/24; denied motion; sua sponte examination of whether the Court of Appeals has jurisdiction to entertain the appeal in a matter commenced in City Court;

Appeal—Paper Appealable;

App. Div. denied a motion for reconsideration and for further relief.

PEOPLE v D.T.:

APL-2024-00077

1st Dept. App. Div. order of 5/14/24; affirmance; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Crimes—Insanity—Whether defendant’s not responsible by reason of mental disease or defect plea, pursuant to CPL 220.15, was obtained in violation of his rights to due process and the effective assistance of counsel under the federal and state constitutions because he was not advised by the court or his lawyer that a consequence of his plea was possible lifetime confinement;

App. Div. reversed 5/31/16 Supreme Court order insofar as it denied defendant a new initial hearing under CPL 330.20 in connection with his plea of not responsible by reason of mental disease or defect, and remitted for a new initial hearing; Supreme Court, Bronx County, after a hearing, determined that defendant has a dangerous mental disorder requiring treatment in a secure psychiatric hospital and designating him a Track One insanity acquittee; App. Div. affirmed.

PEOPLE ex. rel. WELCH v MAGINLEY-LIDDIE:

APL-2024-00079

2nd Dept. App. Div. order of 3/11/24; dismissal; leave to appeal granted by the Court of Appeals, 6/18/24;

Bail—Whether the Appellate Division erred by holding that CPL 510.10(4)(t) applies when a defendant has had bail fixed on the underlying case; whether the Appellate Division erred by holding that the prongs of CPL 510.10(4)(t) were met when the People failed to provide any information about the allegations in the underlying case, purporting to rely on the existence of an out-of-county indictment appearing on a RAP sheet to meet the burden of showing reasonable cause to believe that the defendant committed an offense causing harm to a specific individual or group of individuals;

App. Div. dismissed writ of habeas corpus in the nature of an application to release Christopher Ortiz upon his own recognizance or, in the alternative, to set reasonable bail upon Queens County Indictment No. 74782/2023.