



State of New York
Court of Appeals
Clerk's Office
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COURT OF APPEALS NEW FILINGS

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

October 25, 2024 through October 31, 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.

PEOPLE v CLARK (CADARRELL D.):

APL-2024-00128

4th Dept. App. Div. order of 7/3/24; affirmance; leave to appeal granted by Nowack, J., 9/17/24;

Crimes—Verdict—Whether conviction for robbery was against the weight of the evidence;

Supreme Court, Monroe County, convicted defendant upon a jury verdict of robbery in the first degree (two counts) and robbery in the second degree (two counts); App. Div. affirmed.

PEOPLE ex rel. ELLIS v IMPERATI:

APL-2024-00140

2nd Dept. App. Div. judgment of 4/26/24; Writ of Habeas Corpus; leave to appeal granted by the Court of Appeals, 10/17/24;

Bail—Recognizance—Whether the crime of making a terroristic threat (see Penal Law § 490.20) is a bail qualifying offense under CPLR 510.10 (4);

App. Div., with one Justice dissenting, inter alia, sustained the writ and directed that Michael Cavagnolo be released upon his own recognizance on certain conditions.

PEOPLE v SAMUEL SHAW:

APL-2024-00129

4th Dept. App. Div. order of 7/26/24; modification; leave to appeal granted by Ogden, J., 9/16/24;

Crimes—Unlawful Search and Seizure—Whether law enforcement’s use of coercive means to order a suspect out of a house in order to conduct a warrantless arrest constitutes a Payton violation; whether the tenant’s consent to search the house following her warrantless arrest was involuntary and, even if voluntary, was not attenuated from the alleged Fourth Amendment violation of seizing the occupants of the home; whether the evidence seized should have been suppressed;

County Court, Monroe County, convicted defendant upon a jury verdict of murder in the first degree (two counts), murder in the second degree (two counts), attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree (three counts); App. Div., with one Justice dissenting, modified by reversing those parts convicting defendant of murder in the second degree under counts 3 and 4 of the indictment and dismissing those counts and by directing that the sentences imposed on counts 7 and 8 run concurrently with the sentences imposed on counts 1, 2, 5 and 6, and as so modified, affirmed.