

COURT OF APPEALS NEW FILINGS

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

October 16, 2015 through October 22, 2015

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.

FISHER (KEVIN), PEOPLE v:

1ST Dept. App. Div. order of 7/3/14; affirmance; leave to appeal granted by Rivera, J., 10/5/15;

CRIMES - HINDERING PROSECUTION - WHETHER DEFENDANT SHOULD HAVE BEEN PERMITTED TO WITHDRAW HIS PLEA OF GUILTY TO HINDERING PROSECUTION WHERE THE PERSON HE RENDERED CRIMINAL ASSISTANCE TO WAS ACQUITTED OF THE UNDERLYING FELONY AT TRIAL BEFORE JUDGMENT WAS ENTERED AGAINST DEFENDANT; WHETHER DEFENDANT'S GUILTY PLEA WAS KNOWING, INTELLIGENT AND VOLUNTARY WHERE THE PROSECUTION DID NOT DISCLOSE CERTAIN WITNESS INTERVIEW NOTES;

Supreme Court, New York County, convicted defendant, upon his guilty plea, of hindering prosecution in the second degree, and sentenced him, as a second felony offender, to a term of 1 1/2 to 3 years; App. Div. affirmed.