

COURT OF APPEALS NEW FILINGS

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

March 25, 2016 through March 31, 2016

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.

FRUMUSA (LAWRENCE P.) a/k/a JOHN DOE, PEOPLE v:
4TH Dept. App. Div. order of 12/31/15; affirmance; leave to appeal granted by Lindley, J., 3/18/16;
CRIMES - EVIDENCE - WHETHER THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE A CIVIL CONTEMPT ORDER FINDING DEFENDANT'S BUSINESSES IN CONTEMPT FOR FAILING TO OBEY AN ORDER DIRECTING THEM TO TURN OVER ALL THE MONIES AT ISSUE IN THE GRAND LARCENY CHARGE AGAINST DEFENDANT - CONTEMPT ORDER PERTAINED TO DEFENDANT'S CONDUCT OCCURRING AFTER THE CHARGED CRIME, AS OPPOSED TO PRIOR BAD ACTS ADDRESSED IN PEOPLE v MOLINEUX (168 NY 264); WHETHER THE TRIAL COURT IMPROPERLY LIMITED DEFENDANT'S CROSS EXAMINATION OF A WITNESS; CLAIMED INEFFECTIVE ASSISTANCE OF COUNSEL; CLAIMED ABUSE OF TRIAL COURT'S DISCRETION IN DENYING DEFENDANT'S REQUEST FOR AN ADJOURNMENT OF SENTENCING TO GIVE NEWLY RETAINED COUNSEL TIME TO PREPARE;

County Court, Monroe County, convicted defendant, upon a jury verdict, of grand larceny in the second degree; App. Div. affirmed.

LIPIN v HUNT, et al.:

1ST Dept. App. Div. order of 3/10/16; affirmance; sua sponte examination whether a substantial constitutional question is directly involved to support an appeal as of right;
DISMISSAL AND NONSUIT - DISMISSAL OF COMPLAINT - RES JUDICATA - CLAIMS AGAINST VARIOUS PERSONS AND ENTITIES RELATED TO PLAINTIFF'S FATHER'S ESTATE;
Supreme Court, New York County, among other things, granted defendants' motions to dismiss, denied plaintiff's motions for default judgments, imposed a permanent injunction on plaintiff enjoining her from commencing any actions in Supreme Court regarding her deceased father's estate without prior court approval, and denied plaintiff related relief; App. Div. affirmed.

ODDO v QUEENS VILLAGE COMMITTEE FOR MENTAL HEALTH FOR JAMAICA COMMUNITY ADOLESCENT PROGRAM, INC.:

1ST Dept. App. Div. order of 12/3/15; affirmance; leave to appeal granted by App. Div., 3/22/16;
NEGLIGENCE - DUTY - SUBSTANCE ABUSE TREATMENT FACILITY - CRIMINAL ACTS COMMITTED BY RESIDENT OUTSIDE OF FACILITY - WHETHER DEFENDANT SUBSTANCE ABUSE TREATMENT FACILITY OWED A DUTY OF CARE TO A THIRD PARTY AGAINST WHOM A RESIDENT COMMITS A VIOLENT ACT AFTER THE RESIDENT'S TERMINATION FROM THE PROGRAM;
Supreme Court, Bronx County, denied defendant's motion for summary judgment dismissing the complaint; App. Div. affirmed.