



*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

July 23, 2021 through July 29, 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.

CERDA (SERGIO), PEOPLE v:

2nd Dept. App. Div. order of 3/24/21; affirmance; leave to appeal granted by Rivera, J., 7/13/21;

Crimes—Evidence—Whether Supreme Court erred in applying the Rape Shield Law (CPL 60.42) to exclude evidence supporting an alternative explanation for the complainant's injuries;

Supreme Court, Nassau County, convicted defendant of sexual abuse in the first degree and imposed sentence; App. Div. affirmed.

MATTER OF SIBLEY v WATCHES:

4th Dept. App. Div. order of 5/7/21; modification; whether a substantial constitutional question is directly involved to support an appeal as of right;

Licenses—Firearms—Denial of application for a pistol license; alleged constitutional violations; County Court, Steuben County, denied the application of the petitioner for a pistol license; Appellate Division modified determination and granted the petition in part by annulling that part of the determination that enjoined petitioner from reapplying for a pistol license until he is readmitted to the New York State bar, and confirmed the determination as modified.