

**State of New York**  
**Court of Appeals**

**Decisions**

December 12, 2024

**CASES**

3                    No. 105  
In the Matter of Robert W. Bodenmiller,  
    Appellant,  
    v.  
Thomas P. DiNapoli, &c.,  
    Respondent.

Judgment affirmed, with costs.  
Opinion by Judge Halligan.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro and Troutman concur.

3                    No. 106  
In the Matter of Franco Compagnone,  
    Appellant,  
    v.  
Thomas P. DiNapoli, &c.,  
    Respondent.

Judgment affirmed, with costs, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

2                    No. 119  
The People &c.,  
    Respondent,  
    v.  
Kenneth Garcia,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

                    No. 123  
The People &c.,  
    Respondent,  
    v.  
Cleveland Lawson, a/k/a Emanuel Marks,  
    Appellant.

Order reversed and accusatory instrument dismissed,  
in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

4                    No. 121  
The People &c.,  
    Respondent,  
    v.  
Jerry Watkins,  
    Appellant.

Order affirmed, in a memorandum.  
Chief Judge Wilson and Judges Rivera, Garcia,  
Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

3 Mo. No. 2024-511  
In the Matter of Marina C.,  
Respondent,  
v.  
Dario D.,  
Appellant.  
(And Other Related Proceedings.)

Motion for leave to appeal denied.

4 Mo. No. 2024-789  
The People &c.,  
Respondent,  
v.  
James Everson,  
Appellant.

Motion for assignment of counsel granted and  
Bradley E. Keem, Esq., c/o Keem Appeals, PLLC,  
333 East Onondaga Street, Suite 311, Syracuse, NY  
13202 assigned as counsel to the appellant on the  
appeal herein.

2 Mo. No. 2024-767  
Vito J. Fossella, et al.,  
Respondents,  
v.  
Eric Adams, &c. et al.,  
Defendants,  
City Council of the City of New York,  
Appellant,  
Hina Naveed, et al.,  
Intervenors-Appellants.

Motion by Richard Briffault, et al. for leave to file a  
brief amici curiae on the appeal herein granted and  
the proposed brief is accepted as filed. The brief  
must be submitted in digital format within seven  
days.

2 Mo. No. 2024-768  
Vito J. Fossella, et al.,  
Respondents,  
v.  
Eric Adams, &c. et al.,  
Defendants,  
City Council of the City of New York,  
Appellant,  
Hina Naveed, et al.,  
Intervenors-Appellants.

Motion by Common Cause New York for leave to  
file a brief amicus curiae on the appeal herein  
granted and the proposed brief is accepted as filed.  
Two copies of the brief must be served, an original  
and nine copies filed, and the brief submitted in  
digital format within seven days.

2                    Mo. No. 2024-769  
Vito J. Fossella, et al.,  
    Respondents,  
    v.  
Eric Adams, &c. et al.,  
    Defendants,  
City Council of the City of New York,  
    Appellant,  
Hina Naveed, et al.,  
    Intervenors-Appellants.

Motion by Ron Hayduk for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

2                    Mo. No. 2024-770  
Vito J. Fossella, et al.,  
    Respondents,  
    v.  
Eric Adams, &c. et al.,  
    Defendants,  
City Council of the City of New York,  
    Appellant,  
Hina Naveed, et al.,  
    Intervenors-Appellants.

Motion by New York Civil Liberties Union for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

2                    Mo. No. 2024-776  
Vito J. Fossella, et al.,  
    Respondents,  
    v.  
Eric Adams, &c. et al.,  
    Defendants,  
City Council of the City of New York,  
    Appellant,  
Hina Naveed, et al.,  
    Intervenors-Appellants.

Motion by Dēmos for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

                          Mo. No. 2024-778  
The People &c.,  
    Respondent,  
    v.  
Henry Fuentes,  
    Appellant.

Motion by Scott Lockwood for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and brief submitted in digital format within seven days.

Mo. No. 2024-780

The People &c.,  
Respondent,  
v.  
Henry Fuentes,  
Appellant.

Motion by District Attorneys Association of the State of New York for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and brief submitted in digital format within seven days.

Mo. No. 2024-794

The People &c.,  
Respondent,  
v.  
Henry Fuentes,  
Appellant.

Motion by The Legal Aid Society for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and brief submitted in digital format within seven days.

Mo. No. 2024-660

In the Matter of Feifei Gu,  
Appellant,  
v.  
Letitia James, &c. et al.,  
Respondents.

On the Court's own motion, appeal transferred, without costs, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).  
Motion for a stay dismissed as academic.

4 Mo. No. 2024-527  
In the Matter of Delbert W. Hargis, Jr.,  
Appellant,  
v.  
Victoria Pritty-Pitcher,  
Respondent.

Motion for leave to appeal denied.  
Judge Troutman took no part.

1                    Mo. No. 2024-777  
The People &c.,  
    Respondent,  
    v.  
Mitchell Hernandez,  
    Appellant.

Motion by District Attorneys Association of the State of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days. Judge Halligan took no part.

2                    SSD 45  
In the Matter of Ioannis Kantarakias,  
    Appellant,  
    v.  
Hyun Chin Kim, &c.,  
    Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous judgment of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

1                    Mo. No. 2024-774  
In the Matter of NYP Holdings, Inc., et al.,  
    Respondents,  
    v.  
New York City Police Department et al.,  
    Respondents,  
Police Benevolent Association of the City of  
New York, Inc.,  
    Intervenor-Appellant.

Motion by The Innocence Project, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1                    Mo. No. 2024-787  
In the Matter of NYP Holdings, Inc., et al.,  
    Respondents,  
    v.  
New York City Police Department et al.,  
    Respondents,  
Police Benevolent Association of the City of  
New York, Inc.,  
    Intervenor-Appellant.

Motion by NAACP Legal Defense and Educational Fund, Inc. for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 Mo. No. 2024-788  
In the Matter of NYP Holdings, Inc., et al.,  
Respondents,  
v.  
New York City Police Department et al.,  
Respondents,  
Police Benevolent Association of the City of  
New York, Inc.,  
Intervenor-Appellant.

Motion by Common Cause New York, et al. for leave to file a brief amici curiae on the appeal herein denied (*see* Rules of Ct of Appeals [22 NYCRR] § 500.23 ["Amicus curiae relief will be denied where acceptance of the amicus curiae submission may cause the recusal or disqualification of one or more Judges of the Court"]).  
Judge Halligan took no part.

1 Mo. No. 2024-804  
In the Matter of NYP Holdings, Inc., et al.,  
Respondents,  
v.  
New York City Police Department et al.,  
Respondents,  
Police Benevolent Association of the City of  
New York, Inc.,  
Intervenor-Appellant.

Motion by Reporters Committee for Freedom of the Press, et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

1 SSD 47  
Gina Robinson,  
Appellant,  
v.  
Fashion District Dental, et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

2 SSD 46  
In the Matter of Robert Sherr,  
Appellant,  
v.  
David F. Everett, &c.,  
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies as of right from the unanimous judgment of the Appellate Division absent the direct involvement of a substantial constitutional question (*see* CPLR 5601).

1                    SSD 44  
Ari Teman,  
                    Appellant,  
                    v.  
Eric Braverman, &c., et al.,  
                    Respondents,  
et al.,  
                    Defendants.

Appeal, insofar as taken from the November 2023 Appellate Division order, dismissed without costs, by the Court sua sponte, upon the ground that no appeal lies from an Appellate Division order dismissing an appeal from an order entered upon default (*see* CPLR 5511); appeal otherwise dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (*see* NY Const, art VI, § 3 [b]; CPLR 5601).

                            Mo. No. 2024-806  
The People &c.,  
                    Respondent,  
                    v.  
McKenzie Willis,  
                    Appellant.

Motion by Center on Race, Inequality, and the Law for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and brief submitted in digital format within seven days.

1                    Mo. No. 2024-783  
The People &c.,  
                    Respondent,  
                    v.  
Amado Zubidi,  
                    Appellant.

Motion for assignment of counsel granted and Jenay Nurse Guilford, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, NY 10005 assigned as counsel to the appellant on the appeal herein.