



State of New York
Court of Appeals
Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
(518) 455-7700

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COURT OF APPEALS NEW FILINGS

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

October 11, 2024 through October 17, 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 EVERSON (JAMES):

APL-2024-00135

4th Dept. App. Div. order of 7/26/24; affirmance; leave to appeal granted by Hannah, J., 10/3/24;

Crimes—Consolidation and Severance—Whether the trial court erred in refusing to sever defendant's trial from that of his codefendant; whether defendant acted with the intent to cause the death of another person when he allegedly fired multiple times into a crowd of twenty people at a park;

County Court, Onondaga County, convicted defendant upon a jury verdict of murder in the second degree and criminal possession of a weapon in the second degree (four counts); App. Div., with one Justice dissenting, affirmed.