



State of New York
Court of Appeals

Vol. 44 - No. 47
12/02/24

Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700

COURT OF APPEALS NEW FILINGS

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

November 22, 2024 through November 28, 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 BALDNER (CHRISTOPER):

APL-2024-00156

3rd Dept. App. Div. order of 9/19/24; modification; leave to appeal granted by Egan, Jr., J., 11/14/24;

Crimes—Indictment—Whether the Appellate Division erred by reinstating dismissed depraved indifference murder and reckless endangerment counts of the indictment; whether the Appellate Division improperly applied the “depraved indifference” mens rea to a law enforcement officer acting in the course of employment in a highway patrol car that effectuated a lawful stop and who was drawn into a high speed chase initiated by a non-compliant motorist;

County Court, Ulster County, among other things, partially granted defendant's motion to dismiss the indictment; App. Div. with one Justice dissenting, modified by reversing so much of the order as dismissed count 1 of the indictment charging defendant with murder

in the second degree and reduced counts 3, 4, 5, 6, 7, and 8 of the indictment from reckless endangerment in the first degree to reckless endangerment in the second degree, denied the motion to that extent and reinstated such counts, and, as so modified, affirmed.

MATTER OF DEWOLF v WAYNE COUNTY:

APL-2024-00163

3rd Dept. App. Div. order of 11/14/24; denied motion; sua sponte examination of whether any jurisdictional basis exists to support an appeal taken as of right;

Motions and Orders;

App. Div. affirmed decision of the Workers' Compensation Board, filed June 6, 2023, which ruled that claimant did not sustain a causally-related occupational disease and denied his claim for workers' compensation benefits; App. Div. denied motion for declaratory action, mandamus/enjoinment/certiorari and other relief, for renewal and reargument and to certify record on appeal to Court of Appeals.

MATTER OF MANCHANDA:

APL-2024-00166

1st Dept. App. Div. order of 11/21/24; disbarred respondent; sua sponte examination of whether any jurisdictional basis exists for an appeal as of right;

Attorney and Client—Disciplinary Proceedings—Whether charges of professional misconduct are supported by the record; whether sanction of disbarment was appropriate;

App. Div. inter alia, disbarred respondent.

ONONDAGA COUNTY v SNY:

APL-2024-00159

Supreme Court, Onondaga County, judgment of 10/08/24; denied motions; sua sponte examination of whether a direct appeal lies;

Elections—Whether the Even Year Election Law violates article IX of the New York State Constitution; whether the Even Year Election Law does not violate the constitution because it is a general law, not a specific law; whether the Even Year Election Law bears a reasonable relationship to a substantial state interest; whether article IX's savings provision precludes the effectiveness of the Even Year Election Law; whether plaintiffs have adopted an "alternative form of government" within the meaning of article IX; whether a constitutional amendment is required; whether individual plaintiffs' remaining constitutional claims fail under the Anderson Burdick test;

Supreme Court, Onondaga County, denied motions to dismiss brought by the State Defendants and Defendant Czarny, declared that the Even Year Election Law is void as violative of the New York State Constitution, declared that various county charter, local law, and code provisions providing for odd year elections (Onondaga, Oneida, Nassau, Rensselaer, Suffolk, Rockland, Orange, and Dutchess counties) fall within the Savings Clause of Article IX of the New York State Constitution and are valid notwithstanding

the enactment of the Even Year Election Law, and enjoining defendants State of New York, Governor Hochul, Commissioner Czarny, and Commissioner Sardo, their agents, and anyone acting on their behalf, from enforcing or implementing the Even Year Election Law.