

APPLICATION EXHIBIT

EXHIBIT 1

State of New York
Court of Appeals

Decisions

May 15, 2025

CASES

3 No. 44
The People &c.,
 Respondent,
 v.
Carissa Hemingway,
 Appellant.

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

2 No. 51
The People &c.,
 Respondent,
 v.
Daniel Sherlock,
 Appellant.

Order modified, without costs, in accordance with the
opinion herein and, as so modified, affirmed.
Opinion by Judge Cannataro.
Chief Judge Wilson and Judges Rivera, Garcia,
Singas, Troutman and Halligan concur.

MOTIONS

3 Mo. No. 2025-13
In the Matter of Carmela D. et al., &c.

Schenectady County Department of Social
Services,
Respondent;
Shameeka G.,
Appellant.

In the Matter of Carmela D., &c.

Schenectady County Department of Social
Services,
Respondent;
Tristen F.,
Appellant.

2 Mo. No. 2025-272
The People &c. ex rel. Peter A. Barta, on
behalf of Shyheid Gibson,
Appellant,
v.
Louis A. Molina, &c.,
Respondent.

2 Mo. No. 2025-274
In the Matter of Steven Cohn, &c.

Grievance Committee for the Tenth Judicial
District,
Respondent;
Steven Cohn,
Appellant.

Motions for leave to appeal denied.

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 the brief submitted in
digital format within seven days.

Motion for leave to appeal denied.
Motion for a stay dismissed as academic.

2 Mo. No. 2025-242
The People &c.,
Respondent,
v.
Christian Cruz,
Appellant.

Motion for an extension of the time within which to apply for permission to appeal pursuant to CPL 460.20 granted and motion papers treated as a timely CPL 460.20 application.

4 Mo. No. 2025-256
The People &c.,
Respondent,
v.
Phillip Dondorfer,
Appellant.

Motion for assignment of counsel granted and Leah R. Nowotarski, Esq., Wyoming County Public Defender, 18 Linwood Avenue, Warsaw, NY 14569 assigned as counsel to the appellant on the appeal herein.

2 SSD 15
Andy L. Escobar,
Respondent,
v.
Segunda Iglesia Pentecostal Juan 3:16
Asamblea de Dios et al.,
Defendants,
Assemblies of God National Youth
Ministries, et al.,
Appellants.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2025-298
The People &c.,
Respondent,
v.
Errick Guerrero,
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. 2024-740
In the Matter of State of New York,
Respondent,
v.
Victor H.,
Appellant.

Motion for leave to appeal denied.

3 Mo. No. 2025-271
In the Matter of Hudson Valley Property
Owners Association Inc. et al.,
 Appellants,
 v.
City of Kingston, et al.,
 Respondents.

Motion by New York Apartment Association, Inc. 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.

3 Mo. No. 2025-46
In the Matter of Sarah I.,
 Respondent,
 v.
Ian J.,
 Appellant.
(And Two Other Related Proceedings.)

Motion for leave to appeal denied.

1 Mo. No. 2025-205
IntegrateNYC, Inc., et al.,
 Respondents,
 v.
State of New York et al.,
 Appellants,
Parents Defending Education,
 Appellant.

Motion by New York City Bar Association 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. 2025-236
IntegrateNYC, Inc., et al.,
 Respondents,
 v.
State of New York et al.,
 Appellants,
Parents Defending Education,
 Appellant.

Motion by New York Civil Liberties Union Foundation et al. for leave to appear amici 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. 2025-285
The People &c. ex rel. Hannah Kon, &c.,
 Appellant,
 v.
Lynelle Maginley-Liddie, &c.,
 Respondent.

Motion for financial relief granted.

1 SSD 17
In the Matter of State of New York ex rel.
Louis M.,
 Appellant,
 v.
Maryann Popiel et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no substantial
constitutional question is directly involved.

4 Mo. No. 2025-85
In the Matter of Yanetta S. Mathis,
 Respondent,
 v.
Ryan L. Robinson,
 Appellant.

Motion for leave to appeal denied.
Motion for financial relief dismissed as academic.

4 Mo. No. 2025-235
The People &c.,
 Respondent,
 v.
Lashawn Miller Henderson,
 Appellant.

Motion for assignment of counsel granted and Julie
A. Cianca, Esq., Monroe County Public Defender, 10
North Fitzhugh Street, Rochester, NY 14614
assigned as counsel to the appellant on the appeal
herein.

4 SSD 18
In the Matter of Gary H. Moore,
 Appellant,
 v.
New York State Sentence and Commitment
Paper, et al.,
 Respondents.

Appeal dismissed without costs, by the Court sua
sponte, upon the ground that no appeal lies to this
Court from orders of individual Justices of the
Appellate Division (*see* NY Const, art VI, § 3 [b];
CPLR 5601).

The People &c. ex rel. Gary H. Moore,
 Appellant,
 v.
Superintendent of Marcy Correctional
Facility, et al.,
 Respondents.

1 SSD 19
In the Matter of Howard Muser, &c.

Estate of J.B.,
 Appellant,
A.B.,
 Appellant,
 v.
Howard Muser, et al.,
 Respondents.
(App. Div. No. 2023-05051)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

1 SSD 20
In the Matter of Howard Muser, &c.

Estate of J.B.,
 Appellant,
A.B.,
 Appellant,
 v.
Howard Muser, et al.,
 Respondents.
(App. Div. No. 2024-02318)

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3 Mo. No. 2025-270
In the Matter of Parents for Educational and
Religious Liberty in Schools, et al.,
 Appellants,
 v.
Lester Young Jr., &c., et al.,
 Respondents.

Motion by Center for Educational Equity at Teachers College, Columbia University for leave to appear amicus 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"]).
Judges Garcia and Halligan took no part.

3 Mo. No. 2025-286
In the Matter of Parents for Educational and
Religious Liberty in Schools, et al.,
 Appellants,
 v.
Lester Young Jr., &c., et al.,
 Respondents.

Motion by Young Advocates for Fair Education, 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.

4 Mo. No. 2025-64
In the Matter of Deron R.

Erie County Department of Social Services,
 Respondent;
Cyncere G.,
 Appellant.
(And Other Proceedings.)
(App. Div. Nos. CAF 24-00032, CAF 24-
00035 and CAF 24-00036)

Motion for leave to appeal denied.

1 Mo. No. 2025-279
The People &c.,
 Respondent,
 v.
Savion Robinson,
 Appellant.

Motion by National Association of Criminal Defense
Lawyers 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 Mo. No. 2025-227
Veronica SanMiguel, &c. et al.,
 Respondents,
 v.
Meryl Y. Grimaldi, &c. et al.,
 Appellants,
et al.,
 Defendant.

Motion by Defense Association of New York, 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.

3 SSD 16

Brandon Scaletta,
Respondent,

v.

Michels Power, Inc.,
Appellant,

et al.,
Defendants.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2025-163

U.S. Bank National Association, &c.,
Respondent,

v.

Joseph H. Pacifico Jr., &c., et al.,
Defendants,

Dale Robert Javino,
Appellant.

On the Court's own motion, appeal dismissed, without costs, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.
Motion for a stay dismissed as academic.

2 SSD 21

U.S. Bank National Association, &c.,
Respondent,

v.

Nicole Lawtone-Bowles,
Appellant,

et al.,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the action within the meaning of the Constitution.

4 Mo. No. 2025-109

In the Matter of Maverick V.

Motion for leave to appeal denied.

Erie County Department of Social Services,
Respondent;

Shantelle K.,
Appellant.

(And Another Proceeding.)

(App. Div. Nos. CAF 22-02017 and CAF 22-02019)

1 Mo. No. 2025-320
The People &c.,
 Respondent,
 v.
Jason Wright,
 Appellant.

Motion by Innocence Project, Inc. et al. for leave to appear amici 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. 2025-321
The People &c.,
 Respondent,
 v.
Jason Wright,
 Appellant.

Motion by American Psychological Association 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.