

State of New York

Court of Appeals

*Decided and Entered on the
twenty-first day of October, 2022*

Present, Hon. Anthony Cannataro, *Acting Chief Judge, presiding.*

SSD 42

Richard Cavalier, et al.,
Appellants,

v.

Warren County Board of Elections, et al.,
Respondents.

Appellants having appealed to the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the appeal is transferred, without costs, by the Court *sua sponte*, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (*see* NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).



Lisa LeCours
Clerk of the Court



*State of New York
Court of Appeals*

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

October 21, 2022

The Glennon Law Firm, P.C.
Attn: Peter J. Glennon, Esq.
160 Linden Oaks
Rochester, NY 14625-2802

Re: Cavalier v Warren County Board of Elections
APL-2022-00147

Dear Mr. Glennon:

Enclosed is this Court's order in the above-referenced appeal. The transfer of the appeal does not relieve appellant of the responsibility to timely pursue the appeal, if desired, to the Appellate Division. You may wish to contact the Clerk of the Appellate Division, Third Department regarding the appropriate procedure to follow in that court.

Very truly yours

A handwritten signature in blue ink, appearing to read "Lisa LeCours".

Lisa LeCours

LL/RMM/mht
encl.

cc: Appellate Division, Third Department
Daniel J. Martucci, Esq.
Sarah L. Rosenbluth, Esq.
Robert G. Behnke, Esq.
Kevin G. Murphy, Esq.