

State of New York - Court of Appeals

People of the State of New York

Plaintiff,

- against -

Stuart Bennett Vorpahl

Defendant.

**Affirmation of
Service**

Notice of Appeal

**Southampton
Docket # 01-091384**

I, Stuart Bennett Vorpahl, do herewith affirm upon the penalties of perjury that on December 4, 2003, I did forward a copy of the filed Notice of Appeal together with the 500.2 Jurisdictional Statement and the November 3rd, 2003, decision of the Hon. Thomas J. Demayo in the above captioned matter to:

Suffolk County District Attorney's office, 116 Hampton Road,
Southampton, NY 11968 (By hand delivery)

Solicitor General, Department of Law, The Capitol, Albany, New York
12224. (By United State Postal service)

Stuart M. Cohen, Clerk of the Court, New York Court of Appeals, 20
Eagle Street, Albany, New York 12207

Stuart Bennett Vorpahl

Stuart Bennett Vorpahl

Dec 3/03

2003 DEC 4 PM 12 25

SOUTHAMPTON TOWN
JUSTICE COURT

2003 DEC 4 PM 12 25

Justice Court - Town of Southampton
County of Suffolk: State of New York

People of the State of New York

Plaintiff,

- against -

Stuart Bennett Vorpahl

Defendant.

Notice of
Appeal

Docket # 01-091384

DeMayo, J.

PLEASE TAKE NOTICE, that the "Decision on Motion" of this court entered November 3, 2003, by the Honorable Town Justice Thomas J. DeMayo is hereby and herewith appealed to the New York State Court of Appeals as of right, on Constitutional grounds, in that ***"the only question involved on appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States."*** CPLR §5601(B)(2). The New York State Environmental Conservation Law applied within the property bounds and adjacent appurtenances of the Town of Easthampton is an unconstitutional imposition upon the liberties, authorities, franchises and acquittances granted by the Nicolls Patent of 1666, ~~the Andros Patent of 1673~~, and the Dongan Patent of 1686 to the freeholders and inhabitants of the Town of Easthampton.

Stuart Bennett Vorpahl

Stuart Bennett Vorpahl

December 3, 2003

2003 DEC 4 PM 12 25

SOUTHAMPTON TOWN
JUSTICE COURT

RECEIVED
TOWN OF SOUTHAMPTON
CLERK

State of New York - Court of Appeals

People of the State of New York

Plaintiff,

- against -

Stuart Bennett Vorpahl

Defendant.

Rule 500.2

Jurisdictional
Statement

Southampton
Docket # 01-091384

500.2(a)(1) - The title of the case is as set "The People of the State of New York, Plaintiff, against Stuart Bennet Vorpahl, Defendant".

500.2(a)(2) - The appeal is taken from the Justice Court of the Town of Southampton.

500.2(a)(3) - The date of service and filing of the notice of appeal was December 4, 2003.

500.2(a)(4) - Appellant received service of decision appealed from on November 5, 2003

500.2(a)(5) - The attorney for the respondent People is Suffolk County District Attorney's office, 116 Hampton Road, Southampton, NY 11968

500.2(b)(1) - The dated notice of appeal is attached hereto.

500.2(b)(2) - The Decision appealed from is attached hereto.

500.2(b)(3), (4) & (5) - N/A

500.2(b)(6) - Decision appealed from held that: ***"The Defendant" claims that "The 'Dongan Patent' predates the Department of Environmental Conservation Law and as a freeholder the laws, rules and regulations ^{do} to not apply to him... It is my opinion that the State has jurisdiction to regulate hunting and fishing within the state. It is not for a court of limited jurisdiction to determine that the State does not have jurisdiction."***

500.2(c) - CPLR §5601(B)(2) and N. Y. Constitution Art. VI §3 b(2)

500.2(d) - Notice and a copy of this has been given to Attorney General Eliot Spitzer by the forwarding of this Statement together with the Notice of Appeal to the Solicitor General, Department of Law, The Capitol, Albany, New York 12224.

2003 DEC 4 PM 12 25

SOUTHAMPTON TOWN
JUSTICE COURT

RECEIVED
SOUTHAMPTON TOWN



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095
December 8, 2003*

Mr. Stuart Bennett Vorpahl
P.O. Box 256
Amagansett, New York 11930

Re: People v. Vorphal (Stuart Bennett)

Dear Mr. Vorpahl:

The Court has received your 500.2 jurisdictional statement and may examine its subject matter jurisdiction sua sponte with respect to whether any jurisdictional predicate exists to support an appeal as of right.

This communication is without prejudice to any motion any party may wish to make. If you conclude that the order is not appealable as of right, please arrange for the execution of a stipulation consenting to a dismissal of the appeal and transmit that paper to my office. If a stipulation is to be forthcoming, please inform me immediately.

On the other hand, if you wish to persevere in the appeal, you are invited to present to the Court in writing within ten days after this letter's date your comments justifying the retention of subject matter jurisdiction. Also please enclose a copy of each brief filed by each party in the Appellate Division, as well as a copy of the Record on Appeal or Appendix filed in that court. Your adversary is likewise afforded the opportunity to comment in writing on the subject matter jurisdiction within the same ten day period after this letter's date.

The times within which briefs on the merits must be filed are held in abeyance during the pendency of this jurisdictional inquiry. If this sua sponte inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a new schedule for normal perfecting of the appeal.

Very truly yours,

Stuart M. Cohen

Stuart M. Cohen

SMC:ai

cc: Hon. Thomas J. Spota, III
Hon. Eliot Spitzer
Solicitor General