

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Argued - May 15, 2007

HOWARD MILLER, J.P.
WILLIAM F. MASTRO
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2006-11400

DECISION & ORDER

In the Matter of Andrew R. (Anonymous).
Donald Sawyer, etc., respondent; Mental
Hygiene Legal Service, o/b/o Andrew
R. (Anonymous), appellant.

(Index No. 500846/06)

Mental Hygiene Legal Service, Mineola, N.Y. (Sidney Hirschfeld, Rachael E. Seevers,
and Dennis B. Feld of counsel), for appellant.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Benjamin N. Gutman and
Diana R. H. Winters of counsel), for respondent.

In a proceeding pursuant to Mental Hygiene Law § 9.33 to retain a patient in a
hospital for involuntary psychiatric care, Mental Hygiene Legal Service, o/b/o Andrew R., appeals
from an order of the Supreme Court, Queens County (Kitzes, J.), dated November 14, 2006, which
granted the petitioner's motion pursuant to Mental Hygiene Law § 9.31 (a) for change of venue from
Queens County to Oneida County.

ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the appellant's contentions, the petitioner met his burden of establishing
the need for a change of venue (*see* Mental Hygiene Law § 9.31[a]; *accord O'Brien v Vassar Bros.*

June 12, 2007

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Hosp., 207 AD2d 169, 172-173). Balanced against this showing, the appellant failed to demonstrate sufficient reason for maintaining venue in Queens County. Accordingly, the Supreme Court providently exercised its discretion in granting the petitioner's motion to change venue to Oneida County.

MILLER, J.P., MASTRO, DILLON and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court