

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

D20215  
Y/hu

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REINALDO E. RIVERA, J.P.  
DAVID S. RITTER  
HOWARD MILLER  
MARK C. DILLON, JJ.

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2008-00770

DECISION, ORDER & JUDGMENT

In the Matter of Goldie Willoughby, petitioner,  
v Martin P. Murphy, etc., et al., respondents.

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Goldie Willoughby, East Elmhurst, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Amy L. Abramowitz of  
counsel), for respondent Martin P. Murphy.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Toni C. Lichstein of counsel),  
respondent pro se.

Proceeding, inter alia, pursuant to CPLR article 78 in the nature of prohibition to prohibit the respondents from proceeding with a criminal action entitled *People v Willoughby* pending in the Supreme Court, Kings County, under Indictment Numbers 80448/06 and 3453/07. Application by the petitioner to prosecute this proceeding as a poor person.

ORDERED that the application to prosecute this proceeding as a poor person is granted to the extent that the filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied as academic; and it is further,

ADJUDGED that the petition is denied and the proceeding is dismissed on the merits, without costs or disbursements.

“Because of its extraordinary nature, prohibition is available only where there is a clear legal right, and then only when a court—in cases where judicial authority is challenged—acts or threatens to act either without jurisdiction or in excess of its authorized powers” (*Matter of Holtzman*)

August 19, 2008

Page 1.

MATTER OF WILLOUGHBY v MURPHY

*v Goldman*, 71 NY2d 564, 569; see *Matter of Rush v Mordue*, 68 NY2d 348, 352). The petitioner has failed to demonstrate a clear legal right to the relief sought.

RIVERA, J.P., RITTER, MILLER and DILLON, 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