

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

D20392  
K/nl

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 4, 2008

ROBERT A. LIFSON, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2008-07630

DECISION & JUDGMENT

The People, etc., ex rel. Bruce P. Bendish, on behalf  
of Robert Sepe, petitioner, v Rocco Pozzi, etc.,  
respondent.

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Goodrich and Bendish, White Plains, N.Y. (Bruce P. Bendish pro se of counsel), for  
petitioner.

Janet DiFiore, District Attorney, White Plains, N.Y. (Valerie Livingston of counsel),  
for respondent.

Writ of habeas corpus in the nature of an application for bail reduction upon  
Westchester County Indictment No. 08-0457, to release the defendant on his own recognizance or,  
in the alternative, fixing bail.

ADJUDGED that the writ is dismissed, without costs or disbursements.

The determination of the Supreme Court, Westchester County, was not an  
improvident exercise of discretion, and did not violate "constitutional or statutory standards" (*People  
ex rel. Klein v Kruger*, 25 NY2d 497, 499; see *People ex rel. Rosenthal v Wolfson*, 48 NY2d 230).

LIFSON, J.P., FLORIO, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 4, 2008

PEOPLE EX REL. BENDISH, on behalf of SEPE v POZZI