

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

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PETER B. SKELOS, J.P.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-08125

DECISION, ORDER & JUDGMENT

In the Matter of Thomas Bell, petitioner,
v Richard A. Brown, etc., respondent.

Thomas Bell, Fort Dix, N.J., petitioner pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Daniel Bresnahan of counsel), respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel the dismissal of the indictment, and application by the petitioner for poor person relief.

ORDERED that the application for poor person relief is granted to the extent that the filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied; and it is further,

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

This Court does not have subject matter jurisdiction to entertain this proceeding (*see* CPLR 7804[b]; CPLR 506[b]).

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 30, 2008

MATTER OF BELL v BROWN