

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

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
ANITA R. FLORIO
LEONARD B. AUSTIN, JJ.

2009-09717

DECISION, ORDER & JUDGMENT

In the Matter of Derek Rembert, petitioner, v People
of State of New York, etc., et al., respondents.

Derek Rembert, Auburn, N.Y., petitioner pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Ann Bordley of counsel), for
respondent People of State of New York, and respondent pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Roberta L. Martin of
counsel), for respondent John H. Wilson.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to
compel the Supreme Court, Kings County, to dismiss the criminal complaint in a case entitled *People
v Rembert*, under Kings County Docket No. 2007KN002229. 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 as academic,
without costs or disbursements.

January 26, 2010

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MATTER OF REMBERT v PEOPLE OF STATE OF NEW YORK

The criminal complaint in the case entitled *People v Rembert*, under Kings County Docket No. 2007KN002229, was dismissed on December 8, 2009. Accordingly, this proceeding is academic.

PRUDENTI, P.J., MASTRO, FLORIO and AUSTIN, 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