

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

D26278
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_____AD3d_____

Argued - January 19, 2010

STEVEN W. FISHER, J.P.
DANIEL D. ANGIOLILLO
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2009-00990

DECISION & ORDER

In the Matter of William Miritello, appellant, v Nassau
County, et al., respondents.

(Index No. 5643/08)

Louis D. Stober, Jr., LLC, Garden City, N.Y. (Sheila S. Hatami of counsel), for
appellant.

John Ciampoli, Acting County Attorney, Mineola, N.Y. (Anthony F. Cardoso of
counsel), for respondent.

In a proceeding pursuant to CPLR article 78 to review a determination of the
respondent Nassau County Sheriff's Department dated January 5, 2007, which denied the petitioner
benefits pursuant to General Municipal Law § 207-c, the appeal is from a judgment of the Supreme
Court, Nassau County (Murphy, J.), entered December 12, 2008, which denied the petition as
untimely.

ORDERED that the judgment is affirmed, with costs.

The Supreme Court properly denied the petition as untimely, as the proceeding was
commenced more than four months after the January 5, 2007, determination denying the petitioner
benefits pursuant to General Municipal Law § 207-c (*see* CPLR 217; *Matter of Village of Westbury*
v Department of Transp. of State of N.Y., 75 NY2d 62, 72; *Matter of Biondo v New York State Bd.*

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of Parole, 60 NY2d 832, 834; *Matter of Schnurr v Nassau County*, 66 AD3d 1033; *Matter of Gruosso v County of Nassau*, 264 AD2d 396).

FISHER, J.P., ANGIOLILLO, BELEN and LOTT, 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