

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

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Submitted - February 2, 2010

PETER B. SKELOS, J.P.  
ANITA R. FLORIO  
L. PRISCILLA HALL  
LEONARD B. AUSTIN, JJ.

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2008-08516

DECISION & ORDER

The People, etc., ex rel. Timothy Bedell, appellant,  
v Robert Ercole, etc., respondent.

(Ind. No. 6343/07)

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Timothy Bedell, Stormville, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Judith R. Sternberg of counsel),  
for respondent.

In a habeas corpus proceeding, the petitioner appeals from a judgment of the Supreme Court, Dutchess County (Sammarco, J.), dated August 6, 2008, which, without a hearing, dismissed the proceeding.

ORDERED that the judgment is affirmed, without costs or disbursements.

A writ of habeas corpus may not be used for review of issues that have been, or could have been, reviewed on direct appeal or by post-judgment motion in the court where the conviction occurred (*see People ex rel. Almeyda v Schultz*, 18 AD3d 582; *People ex rel. Barnes v Fischer*, 303 AD2d 526; *People ex rel. Pearson v Garvin*, 211 AD2d 690, 691; *People ex rel. Moore v Scully*, 189 AD2d 845). The allegations in the petition do not warrant a departure from traditional orderly procedure (*see People ex rel. Keitt v McMann*, 18 NY2d 257; CPL 210.30[6]).

The petitioner's remaining contentions are unpreserved for appellate review.

SKELOS, J.P., FLORIO, HALL and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

March 9, 2010

PEOPLE EX REL. BEDELL v ERCOLE