

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

D28762
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_____AD3d_____

REINALDO E. RIVERA, J.P.
JOSEPH COVELLO
FRED T. SANTUCCI
SANDRA L. SGROI, JJ.

2010-09158

DECISION, ORDER & JUDGMENT

In the Matter of James Pettus, petitioner, v Guy J.
Mangano, Jr., etc., et al., respondents.

James Pettus, Pine City, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Charles F. Sanders and
Susan Anspach of counsel), for respondents.

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to compel the respondents to allow the petitioner to inspect, among other things, the grand jury minutes in a case entitled *People v Pettus*, pending in the Supreme Court, Kings County, under Indictment No. 6013/02, 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 petition is denied and the proceeding is dismissed, without costs or disbursements.

The extraordinary remedy of mandamus will lie only to compel the performance of a ministerial act and only when there exists a clear legal right to the relief sought (*see Matter of Legal*

October 26, 2010

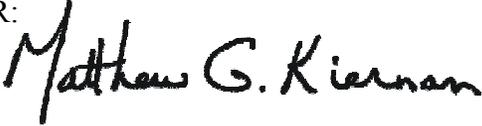
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MATTER OF PETTUS v MANGANO

Aid Society of Sullivan County v Scheinman, 53 NY2d 12, 16). The petitioner has failed to demonstrate a clear legal right to the relief sought.

RIVERA, J.P., COVELLO, SANTUCCI and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court