

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

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REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2010-11377

DECISION, ORDER & JUDGMENT

In the Matter of James Pettus, petitioner, v
People of State of New York, respondent.

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

Eric T. Schneiderman, Attorney General, New York, N.Y. (Charles F. Sanders of
counsel), for respondent.

Proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the People of the State of New York to investigate the manner in which the District Attorney for the County of Kings presented allegations of the petitioner's criminal wrongdoing to a grand jury in an underlying criminal action entitled *People v Pettus*, commenced in that the Supreme Court, Kings County, under Indictment No. 6013/02, purportedly without filing a criminal complaint, and application by the petitioner for poor person relief.

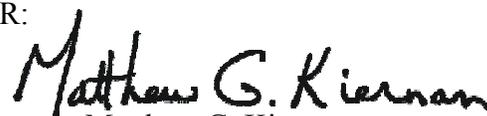
ORDERED that the application for poor person relief is granted to the extent that the filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied; and it is further,

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]).

RIVERA, J.P., BALKIN, LEVENTHAL and HALL, JJ., concur.

ENTER:


Matthew G. Kiernan

March 8, 2011

MATTER OF PETTUS v PEOPLE OF STATE OF NEW YORK

Clerk of the Court

March 8, 2011

MATTER OF PETTUS v PEOPLE OF STATE OF NEW YORK