

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

D30721  
Y/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

MARK C. DILLON, J.P.  
JOSEPH COVELLO  
ANITA R. FLORIO  
L. PRISCILLA HALL, JJ.

---

2010-11310

DECISION, ORDER & JUDGMENT

In the Matter of Rickey A. Lynch, petitioner, v  
Thomas J. Spota III, etc., respondent.

---

Rickey A. Lynch, East Meadow, 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 prohibition to prohibit the  
prosecution of the petitioner in the matter entitled *People v Lynch* pending under Suffolk County  
Indictment No. 10-01988, 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]).

DILLON, J.P., COVELLO, FLORIO and HALL, JJ., concur.

ENTER:   
Matthew G. Kiernan  
Clerk of the Court

April 5, 2011

MATTER OF LYNCH v SPOTA