

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

D30774
O/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2011-01994

DECISION, ORDER & JUDGMENT

In the Matter of Nicole Lawtone-Bowles, petitioner,
v Carole S. Klein, etc., respondent.

Nicole Lawtone-Bowles, Highland Falls, 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, inter alia, to
compel the respondent, Carol S. Klein, a Judge of the Family Court, Orange County, to reinstate the
petitioner's pistol permit, 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 on the merits,
without costs or disbursements.

The extraordinary remedy of mandamus will lie only to compel the performance of a
ministerial act, and only where there exists a clear legal right to the relief sought (*see Matter of Legal
Aid Socy. of Sullivan County v Scheinman*, 53 NY2d 12, 16). The petitioner has failed to
demonstrate a clear legal right to the relief sought.

SKELOS, J.P., DICKERSON, AUSTIN and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

April 12, 2011

MATTER OF LAWSTONE-BOWLES v KLEIN