

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

D31072  
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PETER B. SKELOS, J.P.  
JOHN M. LEVENTHAL  
SANDRA L. SGROI  
ROBERT J. MILLER, JJ.

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2010-11019

DECISION, ORDER & JUDGMENT

In the Matter of Anthony Munford, petitioner,  
v Thomas J. Carroll, etc., respondent.

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Anthony Munford, Beacon, 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  
respondent Thomas J. Carroll, a Justice of the Supreme Court, Kings County, to determine a motion  
made by the petitioner pursuant to CPL 440.10 in an underlying criminal action entitled *People v*  
*Munford*, commenced in that court under Indictment No. 1958/03, and application by the petitioner  
for poor person relief.

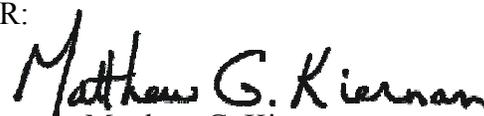
ORDERED that the application for poor person relief is granted to the extent that the  
filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied as academic;  
and it is further,

ADJUDGED that the petition is denied as academic, and the proceeding is dismissed,  
without costs or disbursements.

The instant proceeding has been rendered academic in light of the order of Justice  
Carroll, dated March 31, 2011.

SKELOS, J.P., LEVENTHAL, SGROI and MILLER, JJ., concur.

ENTER:

  
Matthew G. Kiernan

May 3, 2011

MATTER OF MUNFORD v CARROLL

Clerk of the Court

May 3, 2011

MATTER OF MUNFORD v CARROLL