

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

D32147  
Y/Hu/prt

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

PETER B. SKELOS, J.P.  
RANDALL T. ENG  
LEONARD B. AUSTIN  
ROBERT J. MILLER, JJ.

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2011-05595

DECISION & JUDGMENT

In the Matter of Brandon Lisi, petitioner, v  
James F.X. Doyle, etc., et al., respondents.

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Moritt Hock & Hamroff, LLP, Garden City, N.Y. (Randy Zelin of counsel), for  
petitioner

Eric T. Schneiderman, Attorney General, New York, N.Y. (Roberta L. Martin of  
counsel), for respondent James F.X. Doyle.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Marcia R. Kucera of  
counsel), respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of prohibition, inter alia, to  
prohibit the respondent James F.X. Doyle, a Judge of the County Court, Suffolk County, from  
proceeding to trial in a criminal matter entitled *People v Lisi*, pending in the County Court, Suffolk  
County, under Indictment No. 1709B/09.

ADJUDGED that the petition is denied and the proceeding is dismissed on the  
merits, without costs or disbursements.

“Because of its extraordinary nature, prohibition is available only where there is a  
clear legal right, and then only when a court—in cases where judicial authority is challenged—acts  
or threatens to act either without jurisdiction or in excess of its authorized powers” (*Matter of*

July 19, 2011

MATTER OF LISI v DOYLE

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*Holtzman v Goldman*, 71 NY2d 564, 569; *see Matter of Rush v Mordue*, 68 NY2d 348, 352). The petitioner has failed to demonstrate a clear legal right to the relief sought.

SKELOS, J.P., ENG, AUSTIN and MILLER, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court