

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

D32175  
G/prt

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

REINALDO E. RIVERA, J.P.  
RUTH C. BALKIN  
JOHN M. LEVENTHAL  
SHERI S. ROMAN, JJ.

2011-04411

DECISION, ORDER & JUDGMENT

In the Matter of Rickey Lynch, petitioner, v  
William Condon, etc., respondent.

Rickey Lynch, Riverhead, 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, inter alia, to prohibit the respondent William Condon, a Justice of the Supreme Court, from proceeding to trial in a criminal action entitled *People v Lynch*, pending in the County Court, Suffolk County, under Indictment No. 1988/10, and application 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.

“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 Holtzman*)

August 16, 2011

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

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

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court