

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

D32277
H/kmb

_____AD3d_____

Argued - September 6, 2011

PETER B. SKELOS, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-07622

DECISION & ORDER

In the Matter of Everly Brown, appellant, v Board
of Elections in City of New York, respondent, Hersh
K. Parekh, et al., respondents-respondents.

(Index No. 17766/11)

In a proceeding pursuant to Election Law § 16-102, inter alia, to validate a petition designating Everly Brown as a candidate in a primary election to be held on September 13, 2011, for the nomination of the Democratic Party as its candidate for the public office of District Attorney for the County of Queens, the petitioner appeals from a final order of the Supreme Court, Queens County (Flug, J.), dated August 9, 2011, which, after a hearing, denied the petition and, in effect, dismissed the proceeding.

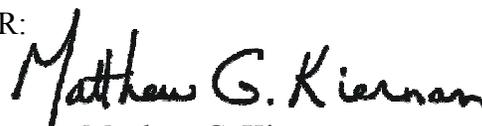
ORDERED that the final order is affirmed, without costs or disbursements.

The petitioner is not qualified to hold the public office of District Attorney for the County of Queens, since he is not an attorney admitted to practice law in the State of New York or any other jurisdiction (*see Matter of Curry v Hosley*, 86 NY2d 470, 475). Accordingly, the Supreme Court properly denied the petition and, in effect, dismissed the proceeding.

The parties' remaining contentions either are without merit or need not be reached in light of our determination.

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

ENTER:


Matthew G. Kiernan

September 7, 2011

MATTER OF BROWN v BOARD OF ELECTIONS IN CITY OF NEW YORK

Clerk of the Court

September 7, 2011

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