

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

D32280
O/kmb

_____AD3d_____

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2011-07393

DECISION & JUDGMENT

In the Matter of Shazad Husein, petitioner, v
Fernando M. Camacho, etc., et al., respondents.

(Index No. 212/10)

Douglas G. Rankin, Brooklyn, N.Y., for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Roberta L. Martin of
counsel), for respondent Fernando M. Camacho.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Roni C. Piplani of
counsel), respondent pro se.

Proceeding pursuant to CPLR article 78, in effect, in the nature of mandamus, inter
alia, to compel Fernando M. Camacho, a Justice of the Supreme Court, Queens County, to appoint
a special prosecutor in an underlying criminal action entitled *People v Husein*, pending under Queens
County Indictment No. 3033/2010.

ADJUDGED that the petition is denied and the proceeding is dismissed, 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.

MASTRO, J.P., SKELOS, DICKERSON and LOTT, JJ., concur.

ENTER: 
Matthew G. Kiernan

September 20, 2011

MATTER OF HUSEIN v CAMACHO

Clerk of the Court

September 20, 2011

MATTER OF HUSEIN v CAMACHO