

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

D32826
H/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2011-09229

DECISION & JUDGMENT

In the Matter of William V. Grady, etc., petitioner,
v Stephen L. Greller, etc., et al., respondents.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), petitioner pro se.

Malvina Nathanson, New York, N.Y., for respondent Cheryl Santiago.

Proceeding pursuant to CPLR article 78, inter alia, in the nature of prohibition to prohibit the respondent Stephen L. Greller, a Judge of the County Court, Dutchess County, from proceeding with a hearing in a criminal action entitled *People v Santiago*, pending in the County Court, Dutchess County, under Indictment No. 3/08.

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

SKELOS, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 9, 2011

MATTER OF GRADY v GRELLER