

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

D32962
C/kmb

_____AD3d_____

ANITA R. FLORIO, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2011-09102

DECISION & JUDGMENT

In the Matter of Cherlyn Mayhew, petitioner, v
Barry E. Warhit, etc., et al., respondents.

Theodore Brundage, Harrison, N.Y., for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Charles F. Sanders of counsel), for respondent Barry E. Warhit.

Janet DiFiore, District Attorney, White Plains, N.Y. (Steven A. Bender and Richard Longworth Hecht of counsel), respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of prohibition to prohibit the respondent Barry E. Warhit, a Judge of the County Court, Westchester County, from proceeding with a contempt hearing in connection with the petitioner's failure to answer questions during an underlying criminal trial.

ADJUDGED that the proceeding is dismissed as academic, without costs or disbursements.

This proceeding has been rendered academic in light of an order entered October 11, 2010, in the County Court, Westchester County, adjudicating the petitioner in contempt in the underlying criminal action.

FLORIO, J.P., HALL, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 22, 2011

MATTER OF MAYHEW v WARHIT