

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

D33176
X/nl

_____AD3d_____

Argued - November 22, 2011

WILLIAM F. MASTRO, J.P.
L. PRISCILLA HALL
SANDRA L. SGROI
JEFFREY A. COHEN, JJ.

2011-10415

DECISION & JUDGMENT

The People, etc., ex rel. Anthony M. Battisti, on behalf of
John Kellerman, petitioner, v Commissioner of the New
York City Department of Corrections, respondent.

Anthony M. Battisti, Glendale, N.Y., petitioner pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Brian Kohm of counsel),
for respondent.

Writ of habeas corpus in the nature of an application to fix bail upon Queens County
Indictment No. 3264/2010.

ADJUDGED that the writ is dismissed, without costs or disbursements.

The determination of the Supreme Court, Queens County, was not an improvident
exercise of discretion, and did not violate "constitutional or statutory standards" (*People ex rel. Klein*
v Kruger, 25 NY2d 497, 499; see *People ex rel. Rosenthal v Wolfson*, 48 NY2d 230).

MASTRO, J.P., HALL, SGROI and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 22, 2011

PEOPLE EX REL. BATTISTI, on behalf of KELLERMAN v COMMISSIONER
OF NEW YORK CITY DEPARTMENT OF CORRECTIONS