

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

D34694  
H/kmb

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MARK C. DILLON, J.P.  
RUTH C. BALKIN  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2012-01373

DECISION, ORDER & JUDGMENT

In the Matter of Rory Dolan, petitioner, v  
Martin I. Efman, etc., respondent.

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Rory Dolan, Otisville, N.Y., petitioner pro se.

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

Proceeding pursuant to CPLR article 78 in the nature of mandamus, inter alia, to  
compel the respondent, Martin I. Efman, a Judge of the County Court, Suffolk County, to vacate an  
order of the same court dated October 25, 2011, which denied the petitioner's motion for release of  
his presentence investigation report, and application by the petitioner for poor person relief.

ORDERED that the application for poor person relief is granted to the extent that the  
filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied; and it is  
further,

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 failed to  
demonstrate a clear legal right to the relief sought.

DILLON, J.P., BALKIN, ENG and CHAMBERS, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

April 24, 2012

MATTER OF DOLAN v EFMAN