

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

D35531
O/kmb

_____AD3d_____

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
JEFFREY A. COHEN, JJ.

2012-05305

DECISION & JUDGMENT

In the Matter of Steven Robinson, petitioner, v
George R. Peck, etc., respondent.

Kiran Chaitram, Malverne, N.Y., for petitioner.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Anthony J. Tomari of
counsel), for respondent.

Proceeding pursuant to CPLR article 78, inter alia, in the nature of prohibition to
prohibit George R. Peck, a Justice of the Supreme Court, Nassau County, from presiding over a
criminal action against the petitioner entitled *People v Robinson*, pending in the Supreme Court,
Nassau County, under Indictment No. 2305/09.

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

ANGIOLILLO, J.P., DICKERSON, CHAMBERS and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

July 11, 2012

MATTER OF ROBINSON v PECK