

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

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

2012-01521

DECISION, ORDER & JUDGMENT

In the Matter of Maynard M. Archer, petitioner, v
Eric T. Schneiderman, etc., et al., respondents.

Maynard M. Archer, Bronx, N.Y, petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Michael J. Siudzinski of counsel), respondent pro se and for respondent Fernando M. Camacho.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Jill Gross Marks of counsel), respondent pro se.

Proceeding pursuant to CPLR article 78, inter alia, in the nature of prohibition to prohibit the respondent Fernando M. Camacho, a Justice of the Supreme Court, from commencing and presiding over a trial in a criminal action entitled *People v Archer*, pending in the Supreme Court, Queens County, under Indictment No. 3258/11, 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 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.

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

ENTER:


Aprilanne Agostino
Clerk of the Court