

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

D54589
O/hu

_____AD3d_____

SHERI S. ROMAN, J.P.
HECTOR D. LASALLE
FRANCESCA E. CONNOLLY
LINDA CHRISTOPHER, JJ.

2017-10613

DECISION, ORDER & JUDGMENT

In the Matter of Hugo LaRosa, petitioner, v Barbara
Kahn, etc., et al., respondents.

Hugo LaRosa, Albion, NY, petitioner pro se.

Timothy Sini, District Attorney, Riverhead, NY (Thomas C. Costello of counsel),
respondent pro se.

Eric T. Schneiderman, Attorney General, New York, NY (Charles F. Sanders of
counsel), for respondent Barbara Kahn.

Proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the
respondent Barbara Kahn, an Acting Justice of the Supreme Court, Suffolk County, to determine the
petitioner's motion pursuant to CPL article 440 to vacate a judgment of conviction of that court
rendered July 10, 2012, in a criminal action entitled *People v LaRosa*, commenced in that court
under Indictment No. 1735/11, 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 as academic;
and it is further,

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

The instant proceeding has been rendered academic in light of the determination of
the subject motion in an order of the Supreme Court, Suffolk County, dated November 28, 2017.

ROMAN, J.P., LASALLE, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 14, 2018

MATTER OF LaROSA v KAHN