

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

D55244
T/htr

_____AD3d_____

Submitted - March 20, 2018

RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
ANGELA G. IANNACCI, JJ.

2017-00570

DECISION & ORDER

In the Matter of Laron Fingall, appellant, v Morgan J. Dennehy, etc., respondent.

(Index No. 4405/16)

Laron Fingall, Brooklyn, NY, appellant pro se.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Morgan J. Dennehy, pro se, of counsel), for respondent.


In a proceeding pursuant to CPLR article 78 to review the respondent's determination denying the petitioner's request for documents pursuant to the Freedom of Information Law (Public Officers Law art 6), the petitioner appeals from a judgment of the Supreme Court, Kings County (Martin M. Solomon, J.), dated July 28, 2016. The judgment denied the petition and, in effect, dismissed the proceeding.

ORDERED that the judgment is affirmed, without costs or disbursements.

The denial of the petitioner's request for, among other things, the transcripts of his criminal proceedings became final and binding on January 26, 2016. This CPLR article 78 proceeding was not commenced within the four-month statute of limitations period, and was, therefore, untimely (*see* CPLR 217[1]; *St. John's Riverside Hosp. v City of Yonkers*, 151 AD3d 786). Accordingly, the petition was properly denied.

BALKIN, J.P., AUSTIN, SGROI and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

May 2, 2018

MATTER OF FINGALL v DENNEHY