

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

D55514

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SANDRA L. SGROI, J.P.
JOSEPH J. MALTESE
FRANCESCA E. CONNOLLY
LINDA CHRISTOPHER, JJ.

2017-12721

DECISION, ORDER & JUDGMENT

In the Matter of J'Min Ward, petitioner, v Craig
Brown, etc., respondent.

J'Min Ward, Goshen, NY, petitioner pro se.

Barbara D. Underwood, Attorney General, New York, NY (Jonathan D. Conley of
counsel), for respondent.

Proceeding pursuant to CPLR article 78 in the nature of prohibition, inter alia, to
prohibit the enforcement of a judgment of conviction rendered March 5, 2018, in a criminal action
entitled *People v Ward*, commenced in the County Court, Orange County, under Indictment No.
325/17, 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 has failed to demonstrate a clear legal right to the relief sought.

SGROI, J.P., MALTESE, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

August 15, 2018

MATTER OF WARD v BROWN