

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

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ALAN D. SCHEINKMAN, P.J.
REINALDO E. RIVERA
ROBERT J. MILLER
HECTOR D. LASALLE, JJ.

2018-03282

DECISION, ORDER & JUDGMENT

In the Matter of Connie Boykin, petitioner, v Nicholas
DeRosa, etc., et al., respondents.

Connie Boykin, Newburgh, NY, petitioner pro se.

Barbara D. Underwood, Attorney General, New York, NY (Charles F. Sanders of
counsel), for respondent Nicholas De Rosa.

David M. Hoovler, District Attorney, Goshen, NY (Andrew R. Kass and Robert H.
Middlemiss of counsel), respondent pro se.

Proceeding pursuant to CPLR article 78 in the nature of mandamus to compel the
respondent Honorable Nicholas DeRosa, a retired Judge of the County Court, Orange County, to
determine the petitioner's motion pursuant to CPL article 440 to vacate a judgment of conviction of
the same court rendered September 25, 2015, in a criminal action entitled *People v Boykin*,
commenced in the same court under Indictment No. 14-702, and application by the petitioner for
poor person relief.

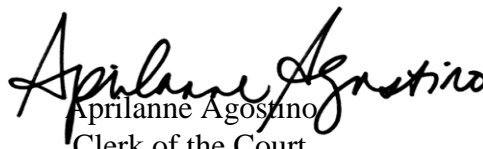
ORDERED that the application for poor person relief is granted to the extent that the
filing fee imposed by CPLR 8022(b) is waived, and the application is otherwise denied as academic;
and it is further,

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 County Court, Orange County, dated November 9, 2017.

SCHEINKMAN, P.J., RIVERA, MILLER and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

June 6, 2018

MATTER OF BOYKIN v DeROSA