

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

M76569  
E/sl

WILLIAM F. MASTRO, J.P.  
DANIEL D. ANGIOLILLO  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2008-07816

DECISION & ORDER ON MOTION

The People, etc., ex rel. Maurice Bryant,  
petitioner, v Robert E. Ercole, etc., respondent.

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Application by the petitioner for a writ of habeas corpus and for poor person relief.


Upon the papers filed in support of the application and the papers filed in opposition thereto, it is

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

ORDERED that the branch of the application which is for a writ of habeas corpus is denied and the petition is dismissed, without costs or disbursements.

MASTRO, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 1, 2008

PEOPLE EX REL. BRYANT v ERCOLE