

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

M76855  
E/sl

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
WILLIAM E. McCARTHY  
JOHN M. LEVENTHAL, JJ.

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2008-08543

The People, etc., ex rel. John Schultz,  
petitioner, v Emmanuel Bailey, respondent.

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DECISION & ORDER ON MOTION

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.

FISHER, J.P., COVELLO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 8, 2008

PEOPLE EX REL. SCHULTZ v BAILEY