

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

M77904
E/sl

ANITA R. FLORIO, J.P.
HOWARD MILLER
EDWARD D. CARNI
ARIEL E. BELEN, JJ.

2008-08878

The People, etc., ex rel. Bernard DeVeaux,
petitioner, v Dennis Breslin, etc., respondent.

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 relation 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.

FLORIO, J.P., MILLER, CARNI and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 30, 2008

PEOPLE EX REL. DeVEAUX v BRESLIN