

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

M89742
J/sl

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-02568

DECISION & ORDER ON MOTION

In the Matter of Felix Vinluan, et al., petitioners,
v Robert W. Doyle, etc., et al., respondents.

Motion by the petitioners in a proceeding pursuant to CPLR article 78, which was determined by opinion and judgment of this Court dated January 13, 2009, inter alia, to allow the respondent Justice Robert W. Doyle to preside over Suffolk County Indictment No. 00769-07 for the limited purpose of dismissing the indictment.

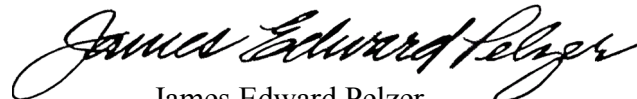
Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is granted to the extent that the opinion and judgment of this Court dated January 13, 2009, is amended by deleting from the preamble thereof, from the fifth sentence of the twelfth paragraph thereof, from the thirty-first paragraph thereof, and from the decretal paragraph thereof the word "matter" and substituting therefor the words "prosecution of the indictment"; and it is further,

ORDERED that the motion is otherwise denied.

SANTUCCI, J.P., ANGIOLILLO, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 21, 2009

MATTER OF VINLUAN v DOYLE