

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

M93253
E/sl

RUTH C. BALKIN, J.P.
RANDALL T. ENG
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2009-08710

DECISION & ORDER ON MOTION

In the Matter of Russell Pitt, petitioner,
v John P. Walsh, etc., et al., respondents.

Motion by the petitioner to stay all proceedings in an action entitled *People v Russell Pitt*, pending in the Supreme Court, Kings County, under Indictment Number 1425/05, pending hearing and determination of a proceeding pursuant to CPLR article 78 in the nature of mandamus to compel a determination of his motion pursuant to CPL 30.30, and for poor person relief.


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

ORDERED that the branch of the motion which is for a stay is granted on consent and all proceedings in an action entitled *People v Russell Pitt*, pending in the Supreme Court, Kings County, under Indictment Number 1425/05, are stayed pending hearing and determination of the proceeding; and it is further,

ORDERED that the branch of the motion which is for poor person relief is granted to the extent that the filing fee is waived and is otherwise denied as unnecessary.

BALKIN, J.P., ENG, LEVENTHAL and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 26, 2009

MATTER OF PITT v WALSH