

SUPREME COURT, SUFFOLK COUNTY

SPECIAL TERM

PART I

In the Matter of the Application
of GEORGE SASSOWER,
Petitioner,

BY THOM

J. S. C.

Pugatch

THE STATE OF NEW YORK and HON.
ERNEST L. SIGNORELLI, Surrogate
of Suffolk County,
Respondents,

DATED July 1, 1977

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Index No. 77-10276

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DEPARTMENT OF LAW
NEW YORK CITY OFFICE

For an Order Enjoining Respondent
from Issuing or Enforcing any
Body Attachment or Order of Arrest
against petitioner, adjudicating
various sections of the Judiciary
Law to be unconstitutional, and
for other relief.

GEORGE SASSOWER, Pro se
75 Wykagyl Station
New Rochelle, N.Y. 10804

SIBEN & SIBEN, ESQS.
Attorneys for Respondent
90 East Main Street
Bay Shore, New York 11706

CHARLES ABUZA, ESQ.
Attorney for Respondent
551 Fifth Avenue
New York, New York 10017

ERNEST G. WRUCK, ESQ.
Guardian ad Litem
31 Oak Street
Patchogue, New York 11772

VINCENT G. BERGER JR., ESQ.
Attorney for Public Administrator
6351 Jericho Turnpike
Commack, New York 11725

LOUIS J. LEFKOWITZ, ESQ.
Attorney General of the
State of New York
Attorney for Respondent
Two World Trade Center
New York, New York 10047

In the above-entitled proceeding pursuant to CPLR Article 78,
Petitioner seeks (1) to prohibit the Surrogate of Suffolk County
from issuing any body order or attachment of arrest against Petitioner,
and (2) to review certain orders issued by the Surrogate's Court and
the Surrogate's interpretation of said orders, in a proceeding pending
in the Surrogate's Court.

It is well settled that the extraordinary remedy of prohibition
lies only when a Court acts or threatens to act without jurisdiction
in a matter over which it has no power over the subject matter or where it
exceeds its authorized powers in a proceeding over which it has juris-
diction (Matter of State of New York v. King, 36 NY2d 59, 63). The
Supreme Court sitting at Special Term does not possess the power of
appellate review over the orders or the interpretation thereof of the
Surrogate's Court (McKinney's Const. Art. 6, §§ 4 and 5).

Petitioner has failed to establish that he is entitled to the
remedies of prohibition or certiorari, (CPLR 7801).

Petition dismissed.

GRANTED
JUL 5 1977
LESTER M. ALBENSON
BY Clerk

CHARLES R. THOM
J.S.C.