

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 32

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In the Matter of the Application of : Index No. 103569/12
MALCOLM HARRIS,

Petitioner, : ORDER

For a Judgment Pursuant to Article 78 of the Civil Practice :
Law and Rules,

- against - :

HON. MATTHEW A. SCIARRINO, Judge, Criminal Court:
of the City of New York, County of New York,

- and- :

CYRUS R. VANCE, JR., District Attorney for the County :
of New York,

Respondents. :

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CAROL E. HUFF, J.:

In this Article 78 proceeding petitioner seeks a judgment enjoining respondent Matthew A. Sciarrino, a Judge in the Criminal Court of the City of New York, from enforcing subpoenas and orders and from taking other actions in connection with the criminal proceeding in which petitioner is a defendant. Petitioner's instant application seeks a stay of enforcement of the Criminal Court's June 30, 2012, order, which denied the motion to quash of Additional Party Respondent Twitter, Inc., pending determination of the Article 78 petition.

Twitter appealed the June 30 order to the Appellate Term of the Supreme Court, First Judicial Department. On August 24, 2012, Twitter moved for and was granted ex parte a

temporary stay of all proceedings pending determination of the appeal, but Appellate Term refused to extend the stay beyond that motion's return date of September 6, 2012.

Petitioner's application to this Court to stay enforcement of the subpoenas to Twitter pending determination of the Article 78 proceeding is denied.

Dated: **SEP 25 2012**


CAROL E. HUFF
J.S.C.