

At the IAS Part II of the Supreme Court of the State of New York, held in and for the County of Oneida, held at the Courthouse, 200 Elizabeth Street, Utica, NY 13501, on the 27th day of April, 2020

PRESENT: HON. DAVID A. MURAD, J.S.C.

THE PEOPLE OF THE STATE OF NEW YORK, *ex rel.*
Stefen R. Short, Esq., on behalf of JOHN FRATESCHI, DIN 11B0827; ALBERT JACKSON, DIN 18A4662; THOMAS JACKSON, DIN 20R0016; RICARDO LOPEZ, DIN 18R1196; and MICHAEL YANCY, DIN 16A4993,

Petitioners,

- against -

WILLIAM FENNESSY, Superintendent, Mid-State Correctional Facility; PATRICK REARDON, Superintendent, Marcy Correctional Facility; and ANTHONY J. ANNUCCI, Acting Commissioner, New York State Department of Corrections and Community Supervision,

Respondents.

ORDER TO SHOW CAUSE

Index No. EFCA2020-000910
RJI 32-20-0220

Upon the reading and filing of the annexed verified petition of Stefen R. Short, Esq., the petitioner having waived production of the persons said to be detained, LET the respondents William Fennessy, Patrick Reardon, and Anthony J. Annucci **SHOW CAUSE BEFORE THIS COURT**, at the courthouse thereof, located at 200 Elizabeth Street, Utica, New York, 13501, at 3:00 p.m. on the 6th day of May, 2020, ^{on submission} why a judgment should not be made and entered:

1. Directing that John Frateschi, Albert Jackson, Thomas Jackson, Ricardo Lopez, and Michael Yancy, the persons said to be illegally detained, be released; and
2. Granting such other and further relief as the Court may deem just and equitable;

SUFFICIENT CAUSE THEREFOR APPEARING, it is FURTHER ORDERED that service of a copy of this Order to Show Cause and papers upon which was it was based, shall be made BY OVERNIGHT MAIL to:

Mid State Correctional Facility, 9005 Old River Road, P.O. Box 216, Marcy, NY 13403-0216, attn.: William Fennessy, Superintendent

Marcy Correctional Facility, 9005 Old River Road, P.O. Box 5000, Marcy, NY 13403-5000, attn.: Patrick Reardon, Superintendent

New York State Department of Corrections and Community Supervision, The Harriman State Campus, 1220 Washington Avenue, Building 2, Albany NY 12226-2050, attn.: Anthony J. Annucci, Acting Commissioner

New York State Office of the Attorney General, 28 Liberty Street, 16th Floor, New York, NY 10005 ; and

on or before the 28th day of April, 2020, and shall be deemed sufficient service; and

IT IS FURTHER ORDERED, that any responses by Respondents shall be filed and served on Petitioners' counsel on or before the 4th day of May, 2020; ^{by 12:00 noon} and

IT IS FURTHER ORDERED, that Petitioners shall file and serve a reply on Respondents' counsel on or before the 5th day of May, 2020.

ENTERED:

s/ DAVID A. MURAD
Justice, Supreme Court

Office of the Attorney General
ATTN: Patricia Bordonaro, Esq.
Utica Regional Office
207 Genesee Street
Utica, NY 13501