

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

D16778
X/kmg

_____AD3d_____

Argued - September 10, 2007

STEPHEN G. CRANE, J.P.
ROBERT A. LIFSON
EDWARD D. CARNI
RUTH C. BALKIN, JJ.

2007-03346

DECISION & ORDER

In the Matter of Pamela B. (Anonymous),
respondent; Pilgrim Psychiatric Center,
appellant.

(Index No. 30296/06)

Andrew M. Cuomo, Attorney General, New York, N.Y. (Benjamin N. Gutman and Patrick J. Walsh of counsel), for appellant.

Mental Hygiene Legal Service, Mineola, N.Y. (Sidney Hirschfeld, Laura Rothschild, and Dennis B. Feld of counsel), for respondent.

In a proceeding pursuant to Mental Hygiene Law § 9.33 to retain a patient in a mental health care facility for involuntary psychiatric care for a period not to exceed 12 months, the petitioner appeals from an order of the Supreme Court, Suffolk County (Bivona, J.), dated April 6, 2007, which, after a hearing, denied the petition and directed the release of the patient. By decision and order on motion of this Court dated May 7, 2007, enforcement of the order was stayed pending hearing and determination of the appeal.

ORDERED that appeal from the order is dismissed, as academic, without costs or disbursements, as the petitioner is no longer retained pursuant to the involuntary commitment which is the subject of this proceeding.

CRANE, J.P., LIFSON, CARNI and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 30, 2007

MATTER OF B. (ANONYMOUS), PAMELA