

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

D25339
Y/prt

_____AD3d_____

Argued - November 9, 2009

REINALDO E. RIVERA, J.P.
HOWARD MILLER
THOMAS A. DICKERSON
SHERI S. ROMAN, JJ.

2008-10374

DECISION & ORDER

In the Matter of Zheng Z. (Anonymous), appellant;
South Beach Psychiatric Center, et al., respondents.

(Index No. 3133/07)

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

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael S. Belohlavek, Monica Wagner, and Shuva Paul of counsel), for respondent South Beach Psychiatric Center.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, David C. Kelly, and Victor Barall of counsel), respondent pro se.

In a proceeding pursuant to CPL 330.20 for a second retention order, Zheng Z. appeals, by permission, from an order of the Supreme Court, Richmond County (Minardo, J.), dated June 20, 2008, which, after a hearing, granted the petitioner's application for the continued retention of Zheng Z. for a period not to exceed two years from April 24, 2007, the date of the expiration of the first retention order dated April 24, 2006.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

The order appealed from expired by its own terms on April 24, 2009. Accordingly,

December 8, 2009

Page 1.

MATTER OF Z. (ANONYMOUS), ZHENG;
SOUTH BEACH PSYCHIATRIC CENTER

this appeal is academic, and the issue raised is not sufficiently substantial or novel to warrant invoking an exception to the mootness doctrine (*see Matter of Anonymous v New York City Health & Hosps. Corp.*, 70 NY2d 972, 974; *Matter of David C.*, 69 NY2d 796, 798; *Matter of Geraldine P.*, 27 AD3d 755, 756; *Matter of Fernando L.*, 13 AD3d 450, 451; *Matter of Kelvin S.*, 267 AD2d 241, 241; *Matter of Richard S.*, 242 AD2d 575, 576).

RIVERA, J.P., MILLER, DICKERSON and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court