

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

D25611  
O/kmg

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Argued - December 3, 2009

JOSEPH COVELLO, J.P.  
DANIEL D. ANGIOLILLO  
PLUMMER E. LOTT  
SHERI S. ROMAN, JJ.

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2008-07422

DECISION & ORDER

The People ex. rel. Kalman R. (Anonymous),  
appellant, v Martin Darcy, etc., respondent.

(Index No. 22322/08)

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Mental Hygiene Legal Service, Mineola, N.Y. ( Sidney Hirschfeld, Felicia B. Rosen,  
Dennis B. Feld, and Lisa Volpe of counsel), for appellant.

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

In a habeas corpus proceeding, the petitioner appeals from a judgment of the Supreme Court, Kings County (Cutrona, J.), dated July 24, 2008, which, upon a decision of the same court dated July 22, 2008, made after a hearing, denied the petition and dismissed the proceeding.

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

Kalman R. has been released from the respondent's facility. Accordingly, the instant appeal has been rendered academic.

COVELLO, J.P., ANGIOLILLO, LOTT and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 5, 2010

PEOPLE EX REL. R. (ANONYMOUS) v DARCY