

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

D27791
C/kmg

_____AD3d_____

Submitted - May 17, 2010

FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
LEONARD B. AUSTIN, JJ.

2009-05578

DECISION & ORDER

In the Matter of John Postall, appellant,
v George B. Alexander, etc., respondent.

(Index No. 338/09)

John Postall, Otisville, N.Y., appellant pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael Belohlavek and Richard O. Jackson of counsel), for respondent.

In a proceeding pursuant to CPLR article 78 to review a determination of the New York State Division of Parole dated March 24, 2008, which, after a hearing, denied the petitioner's request to be released on parole, the petitioner appeals from a judgment of the Supreme Court, Westchester County (Zambelli, J.), entered May 15, 2009, which denied the petition and dismissed the proceeding.

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

The appeal has been rendered academic by the petitioner's subsequent appearance before the Board of Parole, following which he was again denied release (*see Matter of Moissett v Travis*, 97 NY2d 673; *Matter of Lee v Russi*, 211 AD2d 720).

SANTUCCI, J.P., ANGIOLILLO, DICKERSON and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 15, 2010

MATTER OF POSTALL v ALEXANDER