

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

D27822  
W/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - March 16, 2010

JOSEPH COVELLO, J.P.  
ANITA R. FLORIO  
HOWARD MILLER  
RANDALL T. ENG, JJ.

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2008-08739  
2008-11440

DECISION & ORDER

In the Matter of Adam Ramos, also known as Angelo Ramos, appellant, v William J. Connolly, etc., respondent.

(Index No. 5143/08)

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Adam Ramos, also known as Angelo Ramos, Otisville, N.Y., appellant pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Peter Karanjia and Sudarsana Srinivasan of counsel), for respondent.

In a proceeding originally commenced pursuant to CPLR article 70 for a writ of habeas corpus, and converted to a proceeding pursuant to CPLR article 78, the petitioner appeals from (1) an order of the Supreme Court, Dutchess County (Dolan, J.), dated July 29, 2008, which, sua sponte, converted the proceeding pursuant to CPLR article 70 into a proceeding pursuant to CPLR article 78 to review an undated determination of the New York State Department of Correctional Services that terms of imprisonment imposed upon the petitioner on February 1, 2002, must run consecutively to certain undischarged terms of imprisonment previously imposed upon him, and (2) an order and judgment (one paper) of the same court dated November 17, 2008, which denied the petition and dismissed the proceeding.

ORDERED that the appeal from the order is dismissed, without costs or disbursements, as no appeal lies from an intermediate order in a habeas corpus proceeding (*see People ex rel. Falaq v Dalsheim*, 122 AD2d 93; CPLR 7011); and it is further,

June 15, 2010

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ORDERED that the order and judgment is affirmed, without costs or disbursements.

Contrary to the petitioner's contention, the New York State Department of Correctional Services did not exceed its authority in determining that, pursuant to the mandatory provisions of Penal Law § 70.25(2-a), the terms of imprisonment imposed on the petitioner on February 1, 2002, must run consecutively to undischarged sentences previously imposed upon him (see *People ex rel. Gill v Greene*, 12 NY3d 1, *cert denied sub nom. Gill v Rock*, \_\_\_\_\_ US \_\_\_\_\_, 130 S Ct 86; *Matter of Soto v Fischer*, 60 AD3d 1074, 1075). Accordingly, the Supreme Court properly denied the petition and dismissed the proceeding.

The petitioner's remaining contentions are without merit.

COVELLO, J.P., FLORIO, MILLER and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court