

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

997

CA 07-01877

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF TIMMIE L. HAYNES,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

GEORGE ALEXANDER, ACTING CHAIRMAN, NEW YORK  
STATE DIVISION OF PAROLE, RESPONDENT-RESPONDENT.

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TIMMIE L. HAYNES, PETITIONER-APPELLANT PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (ANDREW B. AYERS OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), dated July 27, 2007 in a CPLR article 78 proceeding. The judgment vacated the determination of the Board of Parole and ordered a de novo parole release hearing.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: This appeal by petitioner from a judgment vacating the determination of the Board of Parole and ordering a de novo hearing must be dismissed. Petitioner has since been released to parole supervision and potential discharge, thus rendering the appeal moot, and the exception to the mootness doctrine does not apply herein (see *People ex rel. Mitchell v Unger*, 63 AD3d 1591; *People ex rel. Hampton v Dennison*, 59 AD3d 951, lv denied 12 NY3d 711).

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court