

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

1074

**KAH 07-01800**

PRESENT: SCUDDER, P.J., MARTOCHE, PERADOTTO, CARNI, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
ROBERT C. HINTON, JR., PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

HAROLD GRAHAM, SUPERINTENDENT, AUBURN  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR  
PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK BRADY OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered June 15, 2007. The order denied the motion of petitioner for leave to reargue.

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

Same Memorandum as in *People ex rel. Hinton v Graham* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Oct. 2, 2009]).

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court