

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

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**KAH 12-01964**

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
JOSEPH WILLIAMS, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MALCOLM R. CULLY, SUPERINTENDENT, COLLINS  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

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CHARLES J. GREENBERG, AMHERST, FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment (denominated amended decision and order) of the Supreme Court, Erie County (M. William Boller, A.J.), entered September 17, 2012 in a habeas corpus proceeding. The judgment dismissed the petition.

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

Memorandum: Petitioner's appeal from the judgment dismissing his petition for a writ of habeas corpus has been rendered moot by his release to parole supervision (see *People ex rel. Baron v New York State Dept. of Corr.*, 94 AD3d 1410, 1410, lv denied 19 NY3d 807), and the exception to the mootness doctrine does not apply (see *id.*; see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715). While this Court has the power to convert the habeas corpus proceeding into a CPLR article 78 proceeding, we decline to do so under the circumstances of this case (see *People ex rel. Keyes v Khahaifa*, 101 AD3d 1665, 1665, lv denied 20 NY3d 862).

Entered: February 7, 2014

Frances E. Cafarell  
Clerk of the Court