

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

**1226**

**CA 17-01584**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND NEMOYER, JJ.

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IN THE MATTER OF KHARYE JARVIS,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK  
STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY  
SUPERVISION, RESPONDENT-RESPONDENT.

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WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (LEAH R. NOWOTARSKI OF  
COUNSEL), FOR PETITIONER-APPELLANT.

BARBARA D. UNDERWOOD, ATTORNEY GENERAL, ALBANY (WILLIAM E. STORRS OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wyoming County  
(Michael M. Mohun, A.J.), entered August 2, 2017 in a proceeding  
pursuant to CPLR article 78. The judgment dismissed the petition.

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

Memorandum: Petitioner appeals from a judgment dismissing his  
petition pursuant to CPLR article 78 seeking to annul the  
determination denying him parole release. Petitioner has since been  
released to parole supervision, thus rendering the appeal moot (see  
*Matter of Velez v Evans*, 101 AD3d 1642, 1642 [4th Dept 2012]), and the  
exception to the mootness doctrine does not apply herein (see  
generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715  
[1980]).

Entered: November 16, 2018

Mark W. Bennett  
Clerk of the Court