

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

206

KAH 09-00858

PRESENT: SCUDDER, P.J., FAHEY, LINDLEY, AND GREEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
JAMES COSTANZO, PETITIONER-APPELLANT,

V

ORDER

JAMES MORRISSEY, SUPERINTENDENT, BUTLER
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

ROBERT A. DINIERI, CLYDE, FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered March 5, 2009 in a habeas corpus proceeding. The judgment denied the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court