

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

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**KAH 08-02545**

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

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
RICHARD PERALES, PETITIONER-APPELLANT,

V

ORDER

JOHN LEMPKE, SUPERINTENDENT, FIVE POINTS  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

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

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Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered October 10, 2008 in a habeas corpus proceeding. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs for reasons stated in the decision at Supreme Court.

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court