

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

**584**

**KAH 09-01462**

PRESENT: SCUDDER, P.J., MARTOCHE, FAHEY, GREEN, AND GORSKI, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
MELVIN SMITH, PETITIONER-RESPONDENT,

V

ORDER

MELVIN WILLIAMS, SUPERINTENDENT, WILLARD DRUG  
TREATMENT CAMPUS, RESPONDENT-APPELLANT.

---

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (RAJIT S. DOSANJH OF  
COUNSEL), FOR RESPONDENT-APPELLANT.

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

---

Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered March 3, 2009 in a habeas corpus proceeding. The judgment granted the petition and directed release of petitioner to parole supervision.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law without costs and the petition is dismissed (*see People ex rel. Van Steenburg v Wasser*, 69 AD3d 1135; *People ex rel. Muhammad v Bradt*, 68 AD3d 1391; *People ex rel. Almodovar v Berbary*, 67 AD3d 1419, *lv denied* 14 NY3d 703).

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court