

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

**643**

**KAH 08-02094**

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, PERADOTTO, AND GREEN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
RYDELLE LEWIS, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

CARL B. HUNT, SUPERINTENDENT, GROVELAND  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

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WYOMING COUNTY-ATTICA LEGAL AID BUREAU, INC., WARSAW (NEAL J. MAHONEY  
OF COUNSEL), FOR PETITIONER-APPELLANT.

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Appeal from a judgment (denominated order) of the Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered August 14, 2008 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.

Memorandum: Contrary to the contention of petitioner, Supreme Court did not err in summarily denying his petition seeking a writ of habeas corpus. Pursuant to CPLR 7003 (a), the court possessed the authority to deny the petition on the ground that "it appear[ed] from the petition or the documents annexed thereto" that petitioner was not illegally detained. Here, the documents annexed to the petition, including the transcript of the final parole revocation hearing, support the court's conclusion that the determination of the Board of Parole revoking petitioner's parole is supported by substantial evidence (see *People ex rel. Muhammad v Bradt*, 68 AD3d 1391).

Entered: April 30, 2010

Patricia L. Morgan  
Clerk of the Court