

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

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**KAH 11-01076**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
ANDRIQUE BARON, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND  
EKPE D. EKPE, SUPERINTENDENT, WATERTOWN  
CORRECTIONAL FACILITY, RESPONDENTS-RESPONDENTS.

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KATHLEEN P. REARDON, ROCHESTER, FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (ZAINAB A. CHAUDHRY OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated order) of the Supreme Court, Jefferson County (Hugh A. Gilbert, J.), entered October 19, 2010 in a proceeding pursuant to CPLR article 70. The judgment dismissed the petition.

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

Memorandum: Inasmuch as he has been released to parole supervision, this appeal by petitioner from the judgment dismissing his petition for a writ of habeas corpus has been rendered moot (see *People ex rel. Graham v Fischer*, 70 AD3d 1381, 1381-1382; *People ex rel. Mitchell v Unger*, 63 AD3d 1591; *People ex rel. Hampton v Dennison*, 59 AD3d 951, *lv denied* 12 NY3d 711), and the exception to the mootness doctrine does not apply herein (see *Graham*, 70 AD3d at 1381-1382; *Hampton*, 59 AD3d at 951; see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

Entered: April 20, 2012

Frances E. Cafarell  
Clerk of the Court