

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

1273

CA 11-02247

PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND WHALEN, JJ.

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IN THE MATTER OF RUBEN VELEZ,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANDREA W. EVANS, CHAIRWOMAN, NEW YORK  
STATE DIVISION OF PAROLE,  
RESPONDENT-RESPONDENT.

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WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (ADAM W. KOCH OF  
COUNSEL), FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (FRANK K. WALSH OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wyoming County (Mark H. Dadd, A.J.), entered June 17, 2011 in a proceeding pursuant to CPLR article 78. The judgment denied the petition.

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

Memorandum: Inasmuch as petitioner has been released to parole supervision, his appeal from the judgment denying his CPLR article 78 petition seeking release to parole has been rendered moot (*see People ex rel. Baron v New York State Dept. of Corrections*, 94 AD3d 1410, 1410, *lv denied* 19 NY3d 807; *People ex rel. Graham v Fischer*, 70 AD3d 1381, 1381-1382; *People ex rel. Mitchell v Unger*, 63 AD3d 1591, 1591), and the exception to the mootness doctrine does not apply herein (*see Baron*, 94 AD3d at 1410; *Graham*, 70 AD3d at 1381-1382; *see generally Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

Entered: December 21, 2012

Frances E. Cafarell  
Clerk of the Court