

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

574

**KAH 12-00657**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
STEPHAN BRIECKE, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

NEW YORK STATE DEPARTMENT OF CORRECTIONAL  
SERVICES, RESPONDENT-RESPONDENT.

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NORMAN P. EFFMAN, PUBLIC DEFENDER, WARSAW (ADAM W. KOCH OF COUNSEL),  
FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO 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 December 6, 2011 in a habeas corpus proceeding. The judgment dismissed the petition.

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

Memorandum: Petitioner's appeal from the judgment dismissing his petition for a writ of habeas corpus has been rendered moot by his release to parole supervision (see *People ex rel. Baron v New York State Dept. of Corrections*, 94 AD3d 1410, 1410, lv denied 19 NY3d 807; *People ex rel. Kendricks v Smith*, 52 AD2d 1090, 1090), and the exception to the mootness doctrine does not apply (see *Baron*, 94 AD3d at 1410; see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

Entered: June 7, 2013

Frances E. Cafarell  
Clerk of the Court