

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

1126

CA 13-00233

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, SCONIERS, AND WHALEN, JJ.

IN THE MATTER OF PABLO DEJESUS,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANDREA W. EVANS, CHAIRWOMAN, NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY
SUPERVISION, RESPONDENT-RESPONDENT.

WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (LEAH R. NOWOTARSKI OF
COUNSEL), FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (JONATHAN D. HITSOUS OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County (Mark
H. Dadd, A.J.), entered May 23, 2012 in a CPLR article 78 proceeding.
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: November 8, 2013

Frances E. Cafarell
Clerk of the Court