

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

1084

CA 13-00096

PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

---

IN THE MATTER OF EDDIE SANCHEZ,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

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

---

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

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

---

Appeal from a judgment of the Supreme Court, Wyoming County (Mark  
H. Dadd, A.J.), entered January 24, 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: Petitioner commenced this CPLR article 78 proceeding  
challenging the denial of his application for release to parole  
supervision in January 2011. The Attorney General has advised this  
Court that, subsequent to that denial, petitioner reappeared before  
the Board of Parole on January 28, 2013 and was denied release again.  
Consequently, this appeal must be dismissed as moot (*see Matter of  
Dobranski v Alexander*, 69 AD3d 1091, 1091). Contrary to petitioner's  
contention, this matter does not fall within the exception to the  
mootness doctrine (*see Matter of Malangone v Dennison*, 46 AD3d 1155,  
1155; *see generally Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-  
715).

Entered: November 8, 2013

Frances E. Cafarell  
Clerk of the Court