

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

1281

CA 16-01354

PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND CURRAN, JJ.

IN THE MATTER OF ANTHONY BLANKS,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK
STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY
SUPERVISION, RESPONDENT-RESPONDENT.

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

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered June 17, 2016 in a proceeding
pursuant to CPLR article 78. The judgment dismissed the petition.

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

Memorandum: Petitioner appeals from a judgment dismissing his
petition pursuant to CPLR article 78 seeking to annul the
determination denying him parole release. The Attorney General has
advised this Court that, subsequent to that denial, petitioner
reappeared before the Board of Parole in June 2017 and was again
denied release. Consequently, this appeal must be dismissed as moot
(see *Matter of Sanchez v Evans*, 111 AD3d 1315, 1315 [4th Dept 2013]).
Contrary to petitioner's contention, the exception to the mootness
doctrine does not apply (see *id.*; see generally *Matter of Hearst Corp.*
v Clyne, 50 NY2d 707, 714-715 [1980]).

Entered: November 9, 2017

Mark W. Bennett
Clerk of the Court