

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

849

CA 22-01686

PRESENT: WHALEN, P.J., LINDLEY, MONTOUR, GREENWOOD, AND NOWAK, JJ.

IN THE MATTER OF EFRAIN LOPEZ-CONTRERAS,
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 (MICHAEL J. MANUSIA OF
COUNSEL), FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (FRANK BRADY OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered September 23, 2022, 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
CPLR article 78 petition seeking to annul the determination of the
Board of Parole denying his request for release to parole supervision.
Petitioner has since been released to parole supervision, thus
rendering the appeal moot (*see Matter of DeJesus v Evans*, 111 AD3d
1340, 1340 [4th Dept 2013]; *Matter of Velez v Evans*, 101 AD3d 1642,
1642 [4th Dept 2012]). Contrary to petitioner's contention, the
exception to the mootness doctrine does not apply herein (*see DeJesus*,
111 AD3d at 1340; *see generally Matter of Hearst Corp. v Clyne*, 50
NY2d 707, 714-715 [1980]).

Entered: November 17, 2023

Ann Dillon Flynn
Clerk of the Court