

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

1162

CA 21-00069

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

IN THE MATTER OF EDWARD MITCHELL,
PETITIONER-APPELLANT,

V

ORDER

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

KAREN MURTAGH, EXECUTIVE DIRECTOR, PRISONERS' LEGAL SERVICES OF NEW
YORK, BUFFALO (ANDREW STECKER OF COUNSEL), FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (ALLYSON B. LEVINE OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (Russell P. Buscaglia, A.J.), entered December 8, 2020 in
a proceeding pursuant to CPLR article 78. The judgment denied the
petition.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on September 24, 2021,

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

Entered: December 23, 2021

Ann Dillon Flynn
Clerk of the Court