

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

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CA 22-00721

PRESENT: SMITH, J.P., LINDLEY, MONTOUR, OGDEN, AND GREENWOOD, JJ.

IN THE MATTER OF THE APPLICATION OF
MARCO TACOMUL, 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 (LEAH R. NOWOTARSKI OF
COUNSEL), FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BEEZLY J. KIERNAN OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered April 18, 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 Parole Board's
determination denying his request for early conditional parole for
deportation only. The Attorney General has advised this Court that,
subsequent to that denial and during the pendency of this appeal,
petitioner reappeared before the Parole Board in January 2023.
Consequently, this appeal must be dismissed as moot (*see generally*
Matter of Crittleton v Annucci, 201 AD3d 1302, 1302 [4th Dept 2022];
Matter of Hill v Annucci, 149 AD3d 1540, 1541 [4th Dept 2017]).
Contrary to petitioner's contention, the exception to the mootness
doctrine does not apply (*see Hill*, 149 AD3d at 1541; *see generally*
Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715 [1980]).

Entered: March 24, 2023

Ann Dillon Flynn
Clerk of the Court