

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

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KAH 13-00283

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
RONALD ACKRIDGE, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MICHAEL SHEAHAN, SUPERINTENDENT, FIVE POINTS
CORRECTIONAL FACILITY AND NEW YORK STATE DIVISION
OF PAROLE, RESPONDENTS-RESPONDENTS.

CHARLES J. GREENBERG, AMHERST, FOR PETITIONER-APPELLANT.

Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered November 20, 2012 in a habeas corpus proceeding. The judgment denied and dismissed the petition.

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

Memorandum: On appeal from a judgment denying his petition for a writ of habeas corpus, petitioner contends that his right to due process was violated because, following sentencing, he was not transferred to the Willard Drug Treatment Facility in a timely manner. While this appeal was pending, however, petitioner was released to parole supervision, thus rendering this habeas proceeding moot (see *People ex rel. Baron v New York State Dept. of Corr.*, 94 AD3d 1410, 1410, *lv denied* 19 NY3d 807). Contrary to petitioner's contention, this case does not fall within the exception to the mootness doctrine (see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715). The appeal is therefore dismissed.

Entered: March 28, 2014

Frances E. Cafarell
Clerk of the Court