

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

358

CA 17-00081

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, DEJOSEPH, AND WINSLOW, JJ.

IN THE MATTER OF MICHAEL JACKSON,
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 (JOSEPH M. SPADOLA OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered November 14, 2016 in a CPLR article
78 proceeding. 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 release to parole supervision.
This appeal has been rendered moot by petitioner's reappearance before
the Parole Board and his subsequent release from custody (see
generally Matter of Hill v Annucci, 149 AD3d 1540, 1541 [4th Dept
2017]), and the exception to the mootness doctrine does not apply (see
generally Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715
[1980]).

Entered: March 16, 2018

Mark W. Bennett
Clerk of the Court