

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

1465

CA 08-02045

PRESENT: SMITH, J.P., PERADOTTO, GREEN, PINE, AND GORSKI, JJ.

IN THE MATTER OF THE STATE OF NEW YORK,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

DANIEL FLAGG, A PATIENT AT CENTRAL NEW YORK
PSYCHIATRIC CENTER, RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATHLEEN M. TREASURE OF
COUNSEL), FOR PETITIONER-APPELLANT.

EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, UTICA (LISA
L. PAINE OF COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Deborah H. Karalunas, J.), entered August 7, 2008 in a proceeding
pursuant to Mental Hygiene Law article 10. The order determined,
inter alia, that petitioner had failed to establish that respondent
was a dangerous sex offender requiring confinement.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Same Memorandum as in *Matter of State of New York v Flagg*
([appeal No. 2] ___ AD3d ___ [Mar. 19, 2010]).

Entered: March 19, 2010

Patricia L. Morgan
Clerk of the Court