

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

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**CA 21-01093**

PRESENT: SMITH, J.P., CENTRA, NEMOYER, CURRAN, AND BANNISTER, JJ.

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IN THE MATTER OF THE APPLICATION OF  
JOHN PENDERGRASS, PETITIONER-APPELLANT,

V

ORDER

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

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WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (LEAH R. NOWOTARSKI OF  
COUNSEL), FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BRIAN D. GINSBERG OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wyoming County  
(Michael M. Mohun, A.J.), entered June 25, 2021 in a proceeding  
pursuant to CPLR article 78. The judgment dismissed the petition.

Now, upon reading and filing the stipulation of discontinuance  
signed by the attorneys for the parties on March 14, 2022,

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

Entered: June 10, 2022

Ann Dillon Flynn  
Clerk of the Court