

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

1103

KAH 16-01834

PRESENT: CENTRA, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
RICKY WINTERS, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

K. CROWLEY, SUPERINTENDENT, ORLEANS CORRECTIONAL
FACILITY, RESPONDENT-RESPONDENT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (JAMES M. SPECYAL OF
COUNSEL), FOR PETITIONER-APPELLANT.

BARBARA D. UNDERWOOD, ATTORNEY GENERAL, ALBANY (BRIAN D. GINSBERG OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court,
Orleans County (James P. Punch, A.J.), entered August 22, 2016 in a
habeas corpus 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
petition for a writ of habeas corpus. The appeal has been rendered
moot by petitioner's release from custody (see *People ex rel. Valentin
v Annucci*, 159 AD3d 1391, 1392 [4th Dept 2018], *lv denied* 31 NY3d 911
[2018]; *People ex rel. Moore v Stallone*, 151 AD3d 1839, 1839 [4th Dept
2017]; *People ex rel. Yourdon v Semrau*, 133 AD3d 1351, 1351 [4th Dept
2015]), and we conclude that the exception to the mootness doctrine
does not apply (see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d
707, 714-715 [1980]).

Entered: November 9, 2018

Mark W. Bennett
Clerk of the Court