

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

1201

KAH 19-00524

PRESENT: CENTRA, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
DANIEL SABINO, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

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.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (FRANK BRADY OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered December 21, 2018 in a habeas corpus
proceeding. The judgment denied the petition.

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

Memorandum: Petitioner appeals from a judgment denying his
petition for a writ of habeas corpus. Because petitioner was released
to parole supervision in October 2019, the appeal has been rendered
moot (*see People ex rel. Luck v Squires*, 173 AD3d 1767, 1767 [4th Dept
2019]; *People ex rel. Valentin v Annucci*, 159 AD3d 1391, 1392 [4th
Dept 2018], *lv denied* 31 NY3d 911 [2018]). We conclude that the
exception to the mootness doctrine does not apply (*see People ex rel.*
Winters v Crowley, 166 AD3d 1525, 1525 [4th Dept 2018], *lv denied* 32
NY3d 917 [2019]; *see generally Matter of Hearst Corp. v Clyne*, 50 NY2d
707, 714-715 [1980]).

Entered: December 20, 2019

Mark W. Bennett
Clerk of the Court