

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

177

CA 20-00781

PRESENT: WHALEN, P.J., CARNI, NEMOYER, CURRAN, AND WINSLOW, JJ.

IN THE MATTER OF ALBERT WILLIAMS,
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.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (FREDERICK A. BRODIE OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Wyoming County
(Michael M. Mohun, A.J.), entered February 4, 2020 in a proceeding
pursuant to CPLR article 78. The judgment dismissed the petition.

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

Memorandum: Petitioner commenced this CPLR article 78 proceeding
challenging the denial of his application for release to parole
supervision after a hearing in September 2018. The Attorney General
has advised this Court that, subsequent to that denial, petitioner
reappeared before the Board of Parole in September 2020 and was again
denied release. Consequently, this appeal must be dismissed as moot
(*see Matter of Colon v Annucci*, 177 AD3d 1393, 1394 [4th Dept 2019];
Matter of Hill v Annucci, 149 AD3d 1540, 1541 [4th Dept 2017]).
Contrary to petitioner's contention, this matter does not fall within
the exception to the mootness doctrine (*see Colon*, 177 AD3d at 1394;
Matter of Soule v Stanford, 155 AD3d 1552, 1552-1553 [4th Dept 2017],
lv denied 30 NY3d 912 [2018]; *see generally Matter of Hearst Corp. v*
Clyne, 50 NY2d 707, 714-715 [1980]).

Entered: July 16, 2021

Mark W. Bennett
Clerk of the Court