

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

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CA 23-01341

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, DELCONTE, AND HANNAH, JJ.

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IN THE MATTER OF NUSHAWN W., PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

STATE OF NEW YORK, RESPONDENT-RESPONDENT.

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TODD G. MONAHAN, LITTLE FALLS, FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (JONATHAN D. HITSOUS OF COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a decision of the Supreme Court, Oneida County (James P. McClusky, J.), entered July 18, 2023, in a proceeding pursuant to Mental Hygiene Law article 10. The decision, inter alia, continued the confinement of petitioner to a secure treatment facility.

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

Memorandum: Petitioner purports to appeal from a decision determining that he is a dangerous sex offender requiring confinement under Mental Hygiene Law § 10.03 (e). We dismiss the appeal. "[N]o appeal lies from a mere decision" (*Kuhn v Kuhn*, 129 AD2d 967, 967 [4th Dept 1987]; see *Gunn v Palmieri*, 86 NY2d 830, 830 [1995]).

Entered: July 3, 2024

Ann Dillon Flynn  
Clerk of the Court