

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

1020

**KAH 21-00063**

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

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
TASHEEN ROBINSON, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

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

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THE LEGAL AID BUREAU OF BUFFALO INC., BUFFALO (JANE I. YOON OF  
COUNSEL), FOR PETITIONER-APPELLANT.

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

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Appeal from a judgment (denominated order) of the Supreme Court, Cattaraugus County (Terrence M. Parker, A.J.), entered August 20, 2020 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. Phillips v New York State Dept. of Corr. & Community Supervision*, 196 AD3d 1070, 1070 [4th Dept 2021]; *People ex rel. Houston v Annucci*, 141 AD3d 1111, 1111 [4th Dept 2016]), and the exception to the mootness doctrine does not apply in this case (*see generally Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715 [1980]). While this Court has the power to convert the habeas corpus proceeding into a CPLR article 78 proceeding, we decline to do so under the circumstances of this case (*see generally People ex rel. Stokes v New York State Div. of Parole*, 144 AD3d 1550, 1551 [4th Dept 2016], *lv denied* 28 NY3d 915 [2017]).

Entered: November 19, 2021

Ann Dillon Flynn  
Clerk of the Court