

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

42

CA 07-02498

PRESENT: HURLBUTT, J.P., SMITH, FAHEY, PERADOTTO, AND PINE, JJ.

IN THE MATTER OF ROSE SPERDUTI,
PETITIONER-APPELLANT,

V

ORDER

NEW YORK STATE EXECUTIVE DEPARTMENT DIVISION
OF PAROLE, RESPONDENT-RESPONDENT.

CHACCHIA & FLEMING, LLP, HAMBURG (CHRISTEN ARCHER PIERROT OF
COUNSEL), FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (JULIE M. SHERIDAN OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court,
Erie County (Joseph D. Mintz, J.), entered October 2, 2007 in a
proceeding pursuant to CPLR article 78. The judgment granted
respondent's motion to dismiss the petition.

It is hereby ORDERED that the judgment so appealed from is
unanimously affirmed without costs.

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court