

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

80

**KAH 07-02532**

PRESENT: MARTOCHE, J.P., FAHEY, GREEN, AND PINE, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
FRANKLIN JOEL THOMAS HAMPTON, JR.,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ROBERT DENNISON, CHAIRMAN, NEW YORK STATE  
DIVISION OF PAROLE, RESPONDENT-RESPONDENT.

---

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR  
PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARLENE O. TUCZINSKI OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

---

Appeal from a judgment (denominated order) of the Supreme Court,  
Wayne County (John B. Nesbitt, A.J.), entered October 11, 2007 in a  
habeas corpus proceeding. The judgment dismissed the petition.

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

Memorandum: This appeal by petitioner from a judgment dismissing  
his petition seeking a writ of habeas corpus has been rendered moot by  
his release to parole supervision (*see People ex rel. Limmer v*  
*McKinney*, 23 AD3d 806). Contrary to petitioner's contention, the  
exception to the mootness doctrine does not apply here (*see id.*;  
*People ex rel. Alexander v Walsh*, 303 AD2d 1015, *lv denied* 100 NY2d  
505; *see generally Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-  
715).

Entered: February 6, 2009

JoAnn M. Wahl  
Clerk of the Court