

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

1674

KAH 07-02096

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

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
GEORGE WARD, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MICHAEL CORCORAN, SUPERINTENDENT, CAYUGA
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

MICHAEL G. CONROY, WATERLOO, FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court,
Cayuga County (Thomas G. Leone, A.J.), entered September 19, 2007.
The judgment denied the petition for a writ of habeas corpus.

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

Memorandum: Petitioner commenced this proceeding seeking a writ
of habeas corpus on the ground that the indictment charging him with
various crimes was jurisdictionally defective because the underlying
facts were not set forth with the requisite specificity. Supreme
Court properly denied the petition. The issues raised therein could
have been raised either on direct appeal or by way of a motion
pursuant to CPL 440.10, and thus habeas corpus relief does not lie
(see e.g. *People ex rel. Carpenter v Corcoran*, 46 AD3d 1468, lv denied
10 NY3d 706; *People ex rel. Elkady v Conway*, 41 AD3d 1176, lv denied 9
NY3d 809; *People ex rel. Lyons v Conway*, 32 AD3d 1324, lv denied 8
NY3d 802).

Entered: February 6, 2009

JoAnn M. Wahl
Clerk of the Court