

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

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**KAH 08-00685**

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

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
WALTER J. ROACHE, PETITIONER-APPELLANT,

V

ORDER

S.A. CONNELL, SUPERINTENDENT, ONEIDA CORRECTIONAL  
FACILITY, RESPONDENT-RESPONDENT.

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DAVID M. GIGLIO, UTICA, FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK K. WALSH OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (Robert F. Julian, J.), entered December 11, 2007. The order denied the application of petitioner for leave to reargue the dismissal of his petition for a writ of habeas corpus.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Empire Ins. Co. v Food City*, 167 AD2d 983, 984).

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court