

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

891

CA 06-03320

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, CARNI, AND GREEN, JJ.

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IN THE MATTER OF CHRISTOPHER SHAPARD,  
PETITIONER-APPELLANT,

V

ORDER

ANTHONY ZON, SUPERINTENDENT, WENDE  
CORRECTIONAL FACILITY, AND GLENN S. GOORD,  
COMMISSIONER, NEW YORK STATE DEPARTMENT  
OF CORRECTIONAL SERVICES,  
RESPONDENTS-RESPONDENTS.

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CHRISTOPHER SHAPARD, PETITIONER-APPELLANT PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARTIN A. HOTVET OF  
COUNSEL), FOR RESPONDENTS-RESPONDENTS.

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Appeal from a judgment (denominated order) of the Supreme Court,  
Erie County (Shirley Troutman, A.J.), entered August 25, 2006 in a  
proceeding pursuant to CPLR article 78. The judgment dismissed the  
petition.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs as moot (see *Matter of Free v Coombe*, 234 AD2d 996).

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court