

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

1044

KAH 09-00171

PRESENT: SMITH, J.P., CENTRA, FAHEY, CARNI, AND PINE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
FRANKIE MALDONADO, PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

MELVIN WILLIAMS, SUPERINTENDENT, WILLARD DRUG
TREATMENT CAMPUS, RESPONDENT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (RAJIT S. DOSANJH OF
COUNSEL), FOR RESPONDENT-APPELLANT.

Appeal from a judgment of the Supreme Court, Seneca County
(Dennis F. Bender, A.J.), entered April 2, 2008. The judgment granted
the petition and directed petitioner's release to parole supervision.

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

Memorandum: Petitioner commenced this proceeding seeking a writ
of habeas corpus. Respondent appeals from a judgment granting the
petition and directing petitioner's release to parole supervision.
During the pendency of this appeal, petitioner's parole was violated,
based on allegations that petitioner had absconded. We thus conclude
that the appeal is moot because petitioner is being held on the
violation of his parole and thus is no longer released to parole
supervision (see generally *People ex rel. Mendolia v Superintendent,
Green Haven Correctional Facility*, 47 NY2d 779; *People ex rel.
Chamberlain v Gibson*, 302 AD2d 950; *People ex rel. Hodge v Wells*, 133
AD2d 497, 498-499, lv denied 70 NY2d 613; *People ex rel. Frisbie v
Hammock*, 112 AD2d 721), and the exception to the mootness doctrine
does not apply (cf. *Lindsay v New York State Bd. of Parole*, 48 NY2d
883, 884; *Frisbie*, 112 AD2d 721).

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court