

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

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KAH 08-01977

PRESENT: SMITH, J.P., CARNI, PINE, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
FRANK GRAHAM, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

BRIAN FISCHER, COMMISSIONER, NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES, AND
MALCOLM CULLY, SUPERINTENDENT, LIVINGSTON
CORRECTIONAL FACILITY, RESPONDENTS-RESPONDENTS.

WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (NORMAN P. EFFMAN OF
COUNSEL), FOR PETITIONER-APPELLANT.

Appeal from a judgment (denominated order and judgment) of the
Supreme Court, Livingston County (Robert B. Wiggins, A.J.), entered
July 16, 2008 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 the judgment
dismissing his petition for a writ of habeas corpus has been rendered
moot by his release to parole supervision (see *People ex rel. Mitchell*
v Unger, 63 AD3d 1591; *People ex rel. Cooper v New York State Div. of*
Parole, 286 AD2d 792), and the exception to the mootness doctrine does
not apply herein (see *People ex rel. Hampton v Dennison*, 59 AD3d 951,
lv denied 12 NY3d 711).

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court