

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

**1475**

**KAH 08-02538**

PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, GREEN, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
BILLY WITHERSPOON, PETITIONER-APPELLANT,

V

ORDER

JAMES MORRISSEY, SUPERINTENDENT, BUTLER  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

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EASTON THOMPSON KASPEREK SHIFFRIN LLP, ROCHESTER (BRIAN SHIFFRIN OF  
COUNSEL), FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARLENE O. TUCZINSKI OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wayne County (Dennis M. Kehoe, A.J.), entered March 25, 2008. 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.

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court