

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

408

CA 08-02443

PRESENT: SCUDDER, P.J., SCONIERS, GREEN, AND GORSKI, JJ.

IN THE MATTER OF THE STATE OF
NEW YORK, PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

CHARLES GRANT, RESPONDENT-APPELLANT, FOR CIVIL
MANAGEMENT UNDER ARTICLE 10 OF THE MENTAL
HYGIENE LAW.

EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, ROCHESTER
(KRISTIN DAWSON HENDERSON OF COUNSEL), FOR RESPONDENT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (ROSE MCMORROW OF COUNSEL),
FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered March 26, 2009 in a proceeding pursuant to Mental Hygiene Law article 10. The order, inter alia, determined that respondent is a sex offender requiring strict and intensive supervision and treatment.

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

Memorandum: Respondent appeals from an order pursuant to Mental Hygiene Law article 10 determining that he is a sex offender requiring strict and intensive supervision and treatment (SIST) and releasing him under the conditions of a prior order imposing a regimen of SIST. Respondent is not aggrieved by the order appealed from inasmuch as he stipulated to the terms of it, and the appeal therefore must be dismissed (*see* CPLR 5511; *Matter of State of New York v Cuevas*, 49 AD3d 1324, 1326-1327). In addition, the appeal has been rendered moot by a subsequent order pursuant to Mental Hygiene Law article 10 directing the confinement of respondent as a dangerous sex offender (*see generally* *People ex rel. Maldonado v Williams*, 67 AD3d 1328), and the exception to the mootness doctrine does not apply herein (*cf.* *Cuevas*, 49 AD3d at 1325-1326; *see generally* *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

Entered: March 19, 2010

Patricia L. Morgan
Clerk of the Court