

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

905

**KAH 10-00587**

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, PINE, AND GORSKI, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
JOE THOMAS, PETITIONER-RESPONDENT,

V

ORDER

MICHAEL NASH, ACTING 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.), dated June 3, 2009 in a habeas corpus  
proceeding. The judgment granted the petition and directed release of  
petitioner to parole supervision.

It is hereby ORDERED that the judgment so appealed from is  
unanimously reversed on the law without costs and the petition is  
dismissed (*see People ex rel. Van Steenburg v Wasser*, 69 AD3d 1135, *lv*  
*denied in part and dismissed in part* 14 NY3d 883; *People ex rel.*  
*Muhammad v Bradt*, 68 AD3d 1391; *People ex rel. Almodovar v Berbary*, 67  
AD3d 1419, *lv denied* 14 NY3d 703).

Entered: July 2, 2010

Patricia L. Morgan  
Clerk of the Court