

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

1192

KAH 09-02056

PRESENT: MARTOCHE, J.P., LINDLEY, SCONIERS, PINE, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK EX REL.
SHANNON MARTINEK, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MALCOLM CULLY, SUPERINTENDENT, LIVINGSTON
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.
(APPEAL NO. 2.)

EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, ROCHESTER
(DANA M. RAGSDALE OF COUNSEL), FOR PETITIONER-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK BRADY OF COUNSEL),
FOR RESPONDENT-RESPONDENT.

Appeal from a judgment of the Supreme Court, Livingston County
(Dennis S. Cohen, A.J.), entered April 10, 2009. The judgment
dismissed the petition for a writ of habeas corpus.

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

Same Memorandum as in *People ex rel. Martinek v Sawyer* ([appeal
No. 1] ___ AD3d ___ [Nov. 19, 2010]).

Entered: November 19, 2010

Patricia L. Morgan
Clerk of the Court