

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

835

**KAH 10-01704**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, LINDLEY, AND MARTOCHE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
RICKY SMITH, PETITIONER-APPELLANT,

V

ORDER

NEW YORK STATE DIVISION OF PAROLE,  
RESPONDENT-RESPONDENT.

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DEL ATWELL, EAST HAMPTON, FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (MARLENE O. TUCZINSKI  
OF COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Jefferson County  
(Hugh A. Gilbert, J.), entered March 22, 2010. The judgment denied  
and dismissed the petition for a writ of habeas corpus.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs.

Entered: July 1, 2011

Patricia L. Morgan  
Clerk of the Court