

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

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**KAH 13-00535**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, SCONIERS, AND VALENTINO, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
RICHARD DEGROAT, PETITIONER-APPELLANT,

V

ORDER

CHARLES KELLY, JR., SUPERINTENDENT, MARCY  
CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.

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RICHARD DEGROAT, PETITIONER-APPELLANT PRO SE.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (FRANK BRADY OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment (denominated order) of the Supreme Court,  
Oneida County (David A. Murad, J.), entered January 17, 2013 in a  
habeas corpus proceeding. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
at Supreme Court.

Entered: March 21, 2014

Frances E. Cafarell  
Clerk of the Court