State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: April 21, 2016 521658

In the Matter of SHERMAN WALKER,
Appellant,
v
MEMORANDUM AND ORDER
ANTHONY J. ANNUCCI, as Acting Commissioner of Corrections and Community Supervision, et al.,
Respondents.

Calendar Date: February 23, 2016

Before: Lahtinen, J.P., McCarthy, Lynch and Devine, JJ.

Sherman Walker, Albion, appellant pro se.

Eric T. Schneiderman, Attorney General, Albany (Frederick A. Brodie of counsel), for respondents.

Appeal from a judgment of the Supreme Court (Elliott III, J.), entered March 9, 2015 in Albany County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to review a determination of the Board of Parole denying petitioner's request for parole release.

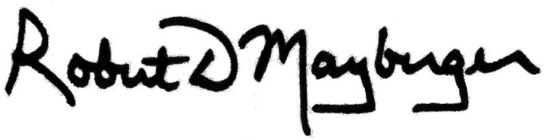
Petitioner commenced this CPLR article 78 proceeding challenging a 2014 determination of the Board of Parole that denied his request for parole release. The Attorney General has advised this Court that petitioner reappeared before the Board in February 2016 and his request for parole release was again denied. Accordingly, the appeal from the dismissal of this proceeding is moot and, as the narrow exception to the mootness

doctrine is inapplicable, it must be dismissed (see Matter of Franko v Department of Corr. & Community Supervision, 126 AD3d 1193, 1193 [2015]; Matter of Mance v Evans, 119 AD3d 1316, 1316 [2014]).

Lahtinen, J.P., McCarthy, Lynch and Devine, JJ., concur.

ORDERED that the appeal is dismissed, as moot, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court