

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

Decided and Entered: September 13, 2012

513799

In the Matter of DAVID CHURCH,
Appellant,

v

MEMORANDUM AND ORDER

ANDREA D. EVANS, as Chair
of the New York State
Division of Parole,
Respondent.

Calendar Date: July 30, 2012

Before: Peters, P.J., Lahtinen, Kavanagh, McCarthy and
Garry, JJ.

David Church, Marcy, appellant pro se.

Eric T. Schneiderman, Attorney General, Albany (Kathleen M.
Arnold of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Cahill, J.),
entered November 3, 2011 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.

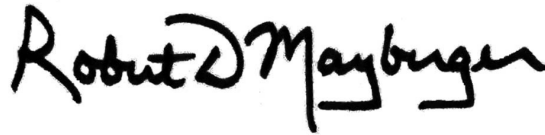
Petitioner commenced this CPLR article 78 proceeding
challenging a May 2010 determination of the Board of Parole
denying his request for parole release. Supreme Court dismissed
the proceeding and petitioner appealed. The Attorney General has
advised this Court that petitioner reappeared before the Board in
May 2012 and was given an open release date of June 28, 2012. In
view of this, the appeal is now moot and must be dismissed (see
Matter of Harris v New York State Bd. of Parole, 91 AD3d 1010

[2012]; Matter of Russo v New York State Div. of Parole, 89 AD3d 1305 [2011]).

Peters, P.J., Lahtinen, Kavanagh, McCarthy and Garry, JJ.,
concur.

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

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court