

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

Decided and Entered: January 25, 2018

524612

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THE PEOPLE OF THE STATE OF  
NEW YORK ex rel. THOMAS  
WILLIAMS,

Appellant,

v

MEMORANDUM AND ORDER

NEW YORK STATE DIVISION OF  
PAROLE,

Respondent.

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Calendar Date: December 13, 2017

Before: Garry, P.J., McCarthy, Mulvey, Aarons and Rumsey, JJ.

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Thomas Williams, Rochester, appellant pro se.

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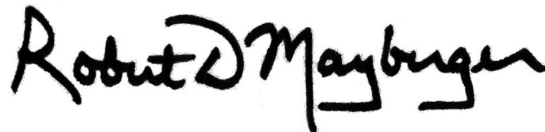
Appeal from a judgment of the Supreme Court (McDonough, J.), entered September 12, 2016 in Albany County, which denied petitioner's application for a writ of habeas corpus, in a proceeding pursuant to CPLR article 70, without a hearing.

Petitioner commenced this proceeding for a writ of habeas corpus challenging his continued incarceration following the expiration of the time assessment period in connection with the revocation of his parole. Supreme Court denied the petition without a hearing and this appeal ensued. Inasmuch as petitioner has been released to parole supervision, the instant proceeding – wherein petitioner seeks an immediate release from state custody – is moot (People ex rel. Kim v Smith, \_\_\_ AD3d \_\_\_, \_\_\_, 2017 NY Slip Op 08782, \*1 [2017]; see People ex rel. Lashway v Wenderlich, 118 AD3d 1199, 1120 [2014]).

Garry, P.J., McCarthy, Mulvey, Aarons and Rumsey, 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