

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

Decided and Entered: July 5, 2018

525962

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In the Matter of GLEN T.

LORI SEYMOUR, as Unit Chief of  
Central New York  
Psychiatric Facility,  
Respondent;

MEMORANDUM AND ORDER

GLEN T.,  
Appellant.

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Calendar Date: May 30, 2018

Before: Egan Jr., J.P., Lynch, Mulvey, Aarons and Pritzker, JJ.

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Sheila E. Shea, Mental Hygiene Legal Service, Albany  
(Cailin Connors Brennan of counsel), for appellant.

Barbara D. Underwood, Attorney General, Albany (Kathleen M.  
Treasure of counsel), for respondent.

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Aarons, J.

Appeal from an order of the Supreme Court (Rich Jr., J.),  
entered February 23, 2017 in Chemung County, which granted  
petitioner's application, in a proceeding pursuant to Mental  
Hygiene Law article 33, to authorize petitioner to administer  
antipsychotic medication to respondent over his objection.

Respondent is presently incarcerated and serving a life  
sentence after being convicted of murder in the first degree,  
among other crimes. A prior court order permitted petitioner to  
administer medication over respondent's objection, but that order  
expired in October 2016. Respondent stopped taking his

medication in November 2016 and petitioner thereafter commenced this proceeding under Mental Hygiene Law article 33 seeking an order permitting the administration of medication over respondent's objection. A hearing ensued, and Supreme Court granted the petition and directed that the medication could be administered over respondent's objection for one year from February 6, 2017. Respondent now appeals.

Given that the order has expired by its own terms, the appeal is moot (see Matter of McCulloch v Melvin H., 156 AD3d 1480, 1481 [2017], appeal dismissed 31 NY3d 927 [2018]; Matter of Carpeah N. [Mid-Hudson Forensic Psychiatric Ctr.], 77 AD3d 836, 836 [2010]; cf. Matter of Chang v Maliq M., 154 AD3d 653, 654 [2017]). Contrary to respondent's assertion, the issues raised herein do not fall within the exception to the mootness doctrine (compare Matter of Lucas QQ. [Rahman], 146 AD3d 92, 95 [2016]; see generally Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715 [1980]).

Egan Jr., J.P., Lynch, Mulvey and Pritzker, 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