

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

Decided and Entered: January 24, 2019

526806

In the Matter of JEROME
DELFYETTE,

Appellant,

v

MEMORANDUM AND ORDER

NEW YORK STATE BOARD OF
PAROLE,

Respondent.

Calendar Date: January 4, 2019

Before: Garry, P.J., Egan Jr., Lynch, Rumsey and Pritzker, JJ.

Jerome Delfyette, Wallkill, appellant pro se.

Letitia James, Attorney General, Albany (William E. Storrs
of counsel, for respondent.

Appeal from a judgment of the Supreme Court (Hard, J.),
entered April 13, 2018 in Albany County, which, in a proceeding
pursuant to CPLR article 78, granted respondent's motion to
dismiss the petition.

Petitioner commenced this CPLR article 78 proceeding by
order to show cause challenging a determination of respondent
denying his request for parole release. Supreme Court granted
respondent's subsequent motion to dismiss the petition on the
ground that the court lacked personal jurisdiction due to
petitioner's failure to serve respondent in accordance with the
order to show cause. Petitioner appeals.

Because petitioner does not raise in his brief any issues regarding the propriety of Supreme Court's dismissal of the petition on jurisdictional grounds, petitioner has abandoned any such arguments with respect thereto (see Matter of Pine v Annucci, 155 AD3d 1201, 1202 [2017], lv denied, 31 NY3d 905 [2018]; Matter of Wilson v Bezio, 93 AD3d 1053, 1053 [2012]). The only issues advanced by petitioner concern the merits of the determination denying his parole release, which this Court is precluded from addressing in the absence of personal jurisdiction over the parties (see Matter of Wilson v Bezio, 93 AD3d at 1053-1054).

Garry, P.J., Egan Jr., Lynch, Rumsey and Pritzker, JJ.,
concur.

ORDERED that the judgment is affirmed, without costs.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R".

Robert D. Mayberger
Clerk of the Court