

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

Decided and Entered: March 16, 2020

528968

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In the Matter of GERALD ADGER,  
Appellant,

v

DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION,  
Respondent.

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MEMORANDUM AND ORDER

Calendar Date: February 7, 2020

Before: Garry, P.J., Egan Jr., Mulvey, Reynolds Fitzgerald and  
Colangelo, JJ.

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Gerald Adger, Auburn, appellant pro se.

Letitia James, Attorney General, Albany (Jennifer L. Clark  
of counsel), for respondent.

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Appeal from a judgment of the Supreme Court (Platkin, J.),  
entered March 4, 2019 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 to  
challenge a February 2018 determination of the Board of Parole  
denying his request for release to parole supervision. Supreme  
Court dismissed the petition and this appeal by petitioner  
ensued. The Attorney General has advised this Court that, while  
the appeal was pending, petitioner reappeared before the Board  
and his request for parole release was again denied. In view of

this, the appeal is now moot and must be dismissed, as the narrow exception to the mootness doctrine is inapplicable (see Matter of Muggelberg v New York State Board of Parole, 167 AD3d 1181, 1181 [2018]; Matter of Hynes v Stanford, 148 AD3d 1383, 1383 [2017]).

Garry, P.J., Egan Jr., Mulvey, Reynolds Fitzgerald and Colangelo, 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