

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

Decided and Entered: July 30, 2020

530483

In the Matter of LARRY CRUZ,
Appellant,

v

DIVISION OF PAROLE, NEW YORK
STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION,
Respondent.

MEMORANDUM AND ORDER

Calendar Date: June 26, 2020

Before: Egan Jr., J.P., Lynch, Mulvey, Devine and Reynolds
Fitzgerald, JJ.

Larry Cruz, Woodbourne, appellant pro se.

Letitia James, Attorney General, Albany (Frank Brady of
counsel), for respondent.

Appeal from a judgment of the Supreme Court (Schick, J.),
entered October 18, 2019 in Sullivan 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 appeals from a judgment dismissing his CPLR
article 78 petition challenging the denial by the Board of
Parole of his fifth request for parole release. The Attorney
General has advised this Court that, during the pendency of this
appeal, petitioner reappeared before the Board and was denied

parole. In view of this, the appeal is now moot and, as the narrow exception to the mootness doctrine is inapplicable, it must be dismissed (see Matter of Adger v Department of Corr. & Community Supervision, 181 AD3d 1120, 1120-1121 [2020]; Matter of Muggleberg v New York State Bd. of Parole, 167 AD3d 1181, 1181 [2018]).

Egan Jr., J.P., Lynch, Mulvey, Devine and Reynolds
Fitzgerald, J.J., 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