

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

Decided and Entered: March 23, 2023

534581

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In the Matter of JAMEL WORKS,  
Appellant,

v

NEW YORK STATE DEPARTMENT  
OF CORRECTIONS AND  
COMMUNITY SUPERVISION  
et al.,  
Respondents.

MEMORANDUM AND ORDER

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Calendar Date: February 10, 2023

Before: Egan Jr., J.P., Lynch, Clark, Aarons and Ceresia, JJ.

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*D.J. & J.A. Cirando, PLLC, Syracuse (John A. Cirando of counsel), for appellant.*

*Letitia James, Attorney General, Albany (Kevin C. Hu of counsel), for respondents.*

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Appeal from a judgment of the Supreme Court (Patrick J. McGrath, J.), entered December 9, 2021 in Albany County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to review a determination of respondent Board of Parole denying petitioner's request for parole release.

Petitioner commenced this CPLR article 78 proceeding challenging a December 2020 determination of respondent Board of Parole that denied his request for parole release and ordered him held an additional 24 months. The Attorney General has advised this Court that, during the pendency of this appeal, petitioner reappeared before the Board in December 2022 and his request for parole release was again denied. In view of

petitioner's reappearance before the Board, the instant appeal is now moot and, finding the exception to the mootness doctrine inapplicable under the circumstances, the appeal must be dismissed (*see Matter of Letizia v Fitzpatrick*, 192 AD3d 1283, 1284 [3d Dept 2021], *lv denied* 37 NY3d 908 [2021]; *Matter of Smith v Commissioner of N.Y. State Bd. of Parole*, 189 AD3d 1804, 1804 [3d Dept 2020]).

Egan Jr., J.P., Lynch, Clark, Aarons and Ceresia, 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