

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

Decided and Entered: November 13, 2025

CV-24-1883

In the Matter of JUA SMITH,
Appellant,

v

MEMORANDUM AND ORDER

NEW YORK STATE BOARD OF
PAROLE,
Respondent.

Calendar Date: October 3, 2025

Before: Clark, J.P., Lynch, Ceresia, McShan and Powers, JJ.

Jua Smith, Westbury, appellant pro se.

Letitia James, Attorney General, Albany (*Beezly J. Kiernan* of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Sherri Brooks-Morton, J.), entered October 21, 2024 in Albany County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to review a determination of respondent denying petitioner's request for parole release.

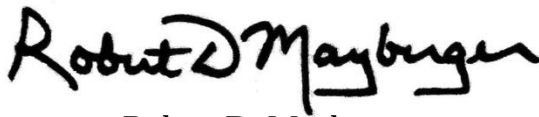
Petitioner commenced this CPLR article 78 proceeding challenging a December 2023 determination of respondent denying his request for parole release and ordering his next parole appearance in 18 months. Supreme Court dismissed the petition and this appeal ensued. The Attorney General has advised this Court that petitioner reappeared before the Board in June 2025, at which time he was granted an open date for parole release. Accordingly, this appeal is moot and must be dismissed (*see Matter of Sanchez v*

Stanford, 152 AD3d 854, 855 [3d Dept 2017]; *Matter of Chaney v Stanford*, 137 AD3d 1396, 1396 [3d Dept 2016]).

Clark, J.P., Lynch, Ceresia, McShan and Powers, JJ., concur.

ORDERED that the appeal is dismissed, as moot, 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, stylized "R" and "M".

Robert D. Mayberger
Clerk of the Court