

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Villalongo, Henry

**DIN:** 14-A-2412

**Facility:** Released

**AC No.:** 01-148-19 R

**Findings:** (Page 1 of 1)

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Appellant challenges the January 18, 2019 determination of the administrative law judge (“ALJ”), revoking release and imposing a 10-month time assessment. Appellant’s underlying offense is for selling heroin. This is appellant’s fifth State sentence. And appellant is currently in absconder status. The matter being appealed from is a parole revocation proceeding due to appellant’s failure to complete [REDACTED]. At the final parole revocation hearing, a plea bargain was entered into whereby appellant pled guilty to the sole charge, and was given a 10 month time assessment. Appellant raises only one issue. Appellant claims the time assessment imposed is excessive.

As was mentioned previously, appellant has already served the time assessment and been released. Claims that the time assessment imposed is excessive are rendered moot when the inmate is subsequently released onto parole during the course of the litigation. Matter of Gainey v. Stanford, 157 A.D.3d 1176, 70 N.Y.S.3d 589 (3d Dept. 2018); Matter of Adams v. New York State Div. of Parole, 89 A.D.3d 1267, 932 N.Y.S.2d 388 (3d Dept. 2011); Matter of Horton v. Travis, 18 A.D.3d 922, 793 N.Y.S.2d 778 (3d Dept. 2005); Matter of Gray v. Travis, 239 A.D.2d 631, 657 N.Y.S.2d 118, 119 (3d Dept. 1997); Matter of Darnell v. David, 300 A.D.2d 766, 750 N.Y.S.2d 802 (3d Dept. 2002). Thus, this appeal is dismissed on mootness grounds.

**Recommendation:** Affirm.