

440.46[1]). Therefore, this appeal is moot, and we do not find applicable the exception to the mootness doctrine set forth in *Matter of Hearst Corp. v Clyne* (50 NY2d 707, 714-715 [1980]).

M-1278 - People v Orta

Motion seeking leave to file amicus curiae
brief granted.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MAY 6, 2010


CLERK