

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

Decided and Entered: August 2, 2012

513108

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In the Matter of KEITH TOWNES,  
Appellant,

v

MEMORANDUM AND ORDER

BRIAN FISCHER, as Commissioner  
of Corrections and  
Community Supervision,  
Respondent.

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Calendar Date: June 6, 2012

Before: Mercure, J.P., Lahtinen, Malone Jr., Stein and  
Egan Jr., JJ.

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Keith Townes, Romulus, appellant pro se.

Eric T. Schneiderman, Attorney General, Albany (Marcus J.  
Mastracco of counsel), for respondent.

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Appeal from a judgment of the Supreme Court (Zwack, J.),  
entered August 10, 2011 in Albany County, which dismissed  
petitioner's application, in a proceeding pursuant to CPLR  
article 78, to review a determination of respondent finding  
petitioner guilty of violating a prison disciplinary rule.

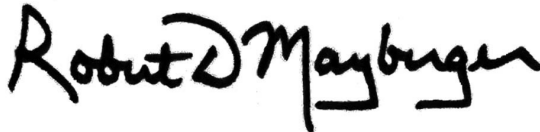
Petitioner, a prison inmate, commenced this CPLR article 78  
proceeding to review a tier III disciplinary determination that  
found him guilty of possessing unauthorized medication. Supreme  
Court dismissed the petition, prompting this appeal. The  
Attorney General has informed this Court that, during the  
pendency of this appeal, the determination has been  
administratively reversed, all references thereto have been  
expunged from petitioner's institutional record and the mandatory

surcharge has been refunded to his inmate account. Because petitioner has received all the relief to which he is entitled, the appeal must be dismissed as moot (see Matter of VanNess v Fischer, 89 AD3d 1248, 1249 [2011]; Matter of Joseph v LaClair, 79 AD3d 1495, 1496 [2010]).

Mercure, J.P., Lahtinen, Malone Jr., Stein and Egan Jr., 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