

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

Decided and Entered: May 18, 2017

522821

In the Matter of ARMANDO
COLON,

Appellant,

v

MEMORANDUM AND ORDER

DONALD VENETTOZZI, as Acting
Director of Special
Housing and Inmate
Disciplinary Programs,
Respondent.

Calendar Date: April 4, 2017

Before: Peters, P.J., McCarthy, Lynch, Mulvey and Aarons, JJ.

Matthew McGowan, Prisoners' Legal Services of New York,
Albany, for appellant.

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

Appeal from a judgment of the Supreme Court (Hartman, J.),
entered March 4, 2016 in Albany County, which dismissed
petitioner's application, in a proceeding pursuant to CPLR
article 78, to review a determination of the Commissioner of
Corrections and Community Supervision finding petitioner guilty
of violating a prison disciplinary rule.

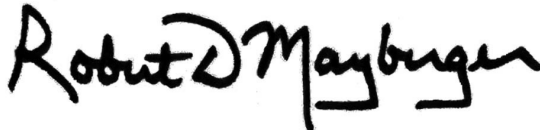
Petitioner commenced this CPLR article 78 proceeding to
challenge a tier III disciplinary determination finding him
guilty of possessing a weapon. Supreme Court dismissed the
petition, and this appeal ensued. The Attorney General has

informed this Court that the determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the \$5 mandatory surcharge has been returned to petitioner's inmate account. In view of the foregoing, petitioner has received all the relief to which he is entitled and this appeal is now moot (see Matter of Lashway v Fischer, 112 AD3d 1172, 1172 [2013]; Matter of Rosales v Prack, 98 AD3d 766, 766 [2012]).

Peters, P.J., McCarthy, Lynch, Mulvey and Aarons, 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