

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

Decided and Entered: February 2, 2017

523094

In the Matter of ERIC DeBERRY,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: November 29, 2016

Before: McCarthy, J.P., Garry, Egan Jr., Devine and Aarons, JJ.

Eric DeBerry, Napanoch, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Owen Demuth
of counsel), for respondent.

Proceeding pursuant to CPLR article 78 (transferred to this Court by order of the Supreme Court, entered in Ulster County) 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 determination finding him guilty of violating a prison disciplinary rule. The Attorney General has advised 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 refunded to petitioner's inmate account. In light of this, and given that petitioner has received all of the relief to which he

is entitled, the petition is dismissed as moot (see Matter of Ballard v Racette, 140 AD3d 1428 [2016]).

McCarthy, J.P., Garry, Egan Jr., Devine and Aarons, JJ.,
concur.

ADJUDGED that the petition 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 initial "R".

Robert D. Mayberger
Clerk of the Court