

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

Decided and Entered: February 2, 2017

523258

In the Matter of PATIQUE
DONERLSON,
Petitioner,

v

MEMORANDUM AND JUDGMENT

ANTHONY J. ANNUCCI, as Acting
Commissioner of Corrections
and Community Supervision,
Respondent.

Calendar Date: November 29, 2016

Before: Egan Jr., J.P., Lynch, Rose, Clark and Mulvey, JJ.

Patique Donerlson, Bedford Hills, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Kathleen M. Treasure of counsel), for respondent.

Proceeding pursuant to CPLR article 78 (transferred to this Court by order of the Supreme Court, entered in Albany County) to review a determination of respondent finding petitioner guilty of violating certain prison disciplinary rules.

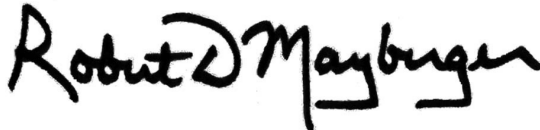
Petitioner commenced this CPLR article 78 proceeding to challenge a tier III determination finding her guilty of violating prison disciplinary rules that prohibit possession of contraband and possession of impermissible identification, stemming from the discovery of paperwork in her cell that contained personal information of another inmate. To the extent that petitioner challenges the determination of guilt, she is precluded from challenging the sufficiency of evidence supporting the determination given her plea of guilty to both charges (see

Matter of Clarke v Venettozzi, 139 AD3d 1221, 1221 [2016]; Matter of Shufelt v Annucci, 138 AD3d 1336, 1337 [2016]). We need not address petitioner's remaining contentions as they relate to additional charges for which petitioner was found not guilty.

Egan Jr., J.P., Lynch, Rose, Clark and Mulvey, JJ., concur.

ADJUDGED that the determination is confirmed, without costs, and petition dismissed.

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