

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

Decided and Entered: March 12, 2020

529108

In the Matter of RENATO
ALBANESE,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: February 7, 2020

Before: Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald
and Colangelo, JJ.

Renato Albanese, Marcy, petitioner pro se.

Letitia James, Attorney General, Albany (Martin A. Hotvet
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 a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding
challenging a tier III disciplinary determination that found 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. The Attorney General further advises that the recommended loss of good time incurred by petitioner as a result of the disciplinary determination has been restored. Inasmuch as petitioner has been granted all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Harrison v Venettozzi, 171 AD3d 1387, 1387-1388 [2019]; Matter of Boeck v Annucci, 165 AD3d 1334, 1334 [2018]). As the record reflects that petitioner has paid a reduced filing fee of \$15 and has paid and documented other expenses in connection with this proceeding in the amount of \$60, and has requested reimbursement thereof, we grant petitioner's request for that amount. Petitioner's remaining requests have been considered and rejected.

Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald and Colangelo, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$75.

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