

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

Decided and Entered: April 14, 2005

95091

In the Matter of STEVE
WILLIAMSON,
Appellant,
v

MEMORANDUM AND ORDER

DEPARTMENT OF CORRECTIONAL
SERVICES et al.,
Respondents.

Calendar Date: March 7, 2005

Before: Cardona, P.J., Mercure, Peters, Rose and Kane, JJ.

Steven Williamson, Wallkill, appellant pro se.

Eliot Spitzer, Attorney General, Albany (Martin A. Hotvet of counsel), for respondents.

Appeal from a judgment of the Supreme Court (Kavanagh, J.), entered October 31, 2003 in Ulster County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to review a determination of respondent Coordinator of Family Services denying petitioner's request to participate in the family reunion program.

In satisfaction of a five-count indictment charging him with various crimes arising from the brutal murder of his sister-in-law and violent assault of her three-year-old daughter, petitioner pleaded guilty to murder in the first degree. He applied for participation in the family reunion program (hereinafter FRP) while incarcerated at Shawangunk Correctional Facility in Ulster County. The initial approval of his application was rescinded due to error in processing. After the

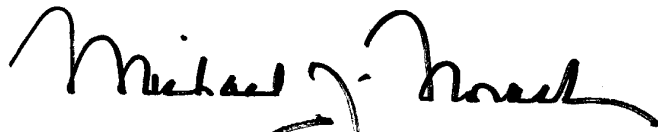
application underwent special review pursuant to 7 NYCRR 220.2 (c) and was denied, the denial was upheld on administrative appeal. Petitioner then commenced this CPLR article 78 proceeding challenging the determination and, following joinder of issue, the petition was dismissed by Supreme Court. Petitioner now appeals.

Initially, "we note that participation in the FRP is a privilege, not a right, and the decision of whether to grant an inmate's request to participate is discretionary" (Matter of Payne v Goord, 12 AD3d 733, 734 [2004]; see Matter of Doe v Coughlin, 125 AD2d 783, 784 [1986], affd 71 NY2d 48 [1987], cert denied 488 US 879 [1988]). "The denial of [a] request to participate in the FRP will be upheld if it has a rational basis" (Matter of Payne v Goord, supra at 703 [citations omitted]; see Matter of Couser v Goord, 1 AD3d 663, 664 [2003]). Here, given the heinous nature of petitioner's crimes, together with the fact that his life sentence obviated the need to preserve the family structure for the purpose of any future integration into society, we conclude that the denial of the application was rational (see Matter of Couser v Goord, supra).

Cardona, P.J., Mercure, Peters, Rose and Kane, JJ., concur.

ORDERED that the judgment is affirmed, without costs.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Novack
Clerk of the Court

