

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

Decided and Entered: September 21, 2017

524399

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In the Matter of DARNELL  
BALLARD,  
Petitioner,

v

BRUCE YELICH, as Superintendent  
of Bare Hill Correctional  
Facility,  
Respondent.

MEMORANDUM AND JUDGMENT

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Calendar Date: August 7, 2017

Before: Garry, J.P., Lynch, Devine, Aarons and Pritzker, JJ.

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Darnell Ballard, Cape Vincent, petitioner pro se.

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

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

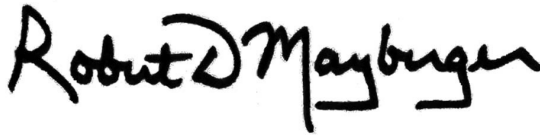
Petitioner commenced this CPLR article 78 proceeding challenging a tier II determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has since been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge has been refunded to petitioner's inmate account. In view of this, and given that petitioner has been granted all the relief to which he is entitled, the petition must be

dismissed as moot (see Matter of Moore v Annucci, 148 AD3d 1445, 1446 [2017]).

Garry, J.P., Lynch, Devine, Aarons and Pritzker, JJ.,  
concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$15.

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