

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

Decided and Entered: November 16, 2017

524447

In the Matter of PAMELA A.
SMART,
Petitioner,
v

MEMORANDUM AND JUDGMENT

ANTHONY J. ANNUCCI, as Acting
Commissioner of Corrections
and Community Supervision,
et al.,
Respondents.

Calendar Date: September 19, 2017

Before: Peters, P.J., McCarthy, Lynch, Mulvey and Aarons, JJ.

Pamela A. Smart, Bedford Hills, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Allyson B. Levine of counsel), for respondents.

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 Commissioner of Corrections and Community Supervision finding petitioner guilty of violating certain prison disciplinary rules.

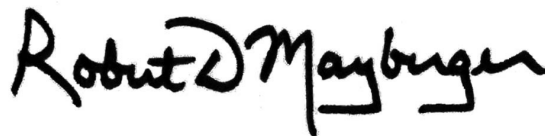
Petitioner commenced this CPLR article 78 proceeding challenging a tier III determination finding her guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination at issue has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the \$5 mandatory surcharge has been refunded to petitioner's inmate

account. In view of this, and given that petitioner has received all of the relief to which she is entitled, the petition must be dismissed as moot (see Matter of Serrano v Smith, 152 AD3d 854 [2017]; Matter of Slide v Russo, 151 AD3d 1518 [2017]). Although petitioner also seeks to be restored to the status that she enjoyed prior to the disciplinary determination, she is not entitled to such relief (see Matter of Worth v Venettozzi, 152 AD3d 844, 845 [2017]; Matter of Gega v Annucci, 149 AD3d 1439, 1439 [2017]).

Peters, P.J., McCarthy, Lynch, Mulvey and Aarons, JJ.,
concur.

ADJUDGED that the petition is dismissed, as moot, without costs.

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