

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

Decided and Entered: February 1, 2018

525055

In the Matter of RASHAD MAYE,
Petitioner,

v

MEMORANDUM AND JUDGMENT

DONALD VENETTOZZI, as Acting
Director of Special Housing
and Inmate Disciplinary
Programs,
Respondent.

Calendar Date: December 13, 2017

Before: McCarthy, J.P., Egan Jr., Devine, Mulvey and
Pritzker, JJ.

Rashad Maye, Albion, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Marcus J. Mastracco 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 the Commissioner of Corrections and Community Supervision finding petitioner guilty of violating certain prison disciplinary rules.

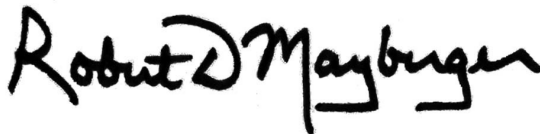
Petitioner commenced this CPLR article 78 proceeding challenging a determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination at issue has been administratively reversed, all references thereto have been expunged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

account. We note that the loss of good time imposed as part of the penalty should also be restored to petitioner (see Matter of Worth v Venettozzi, 152 AD3d 844, 844 [2017]). Otherwise, given that petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Arriaga v Capra, 153 AD3d 1542, 1542 [2017]; Matter of Serrano v Smith, 152 AD3d 854, 854 [2017]). Petitioner's request for compensation for wages lost from his assigned program is denied (see Matter of Gillard v Maly, 106 AD3d 1347, 1347 [2013]).

McCarthy, J.P., Egan Jr., Devine, Mulvey and Pritzker, 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