

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

Decided and Entered: March 22, 2018

525307

In the Matter of TYRONE
HARRISON,
Petitioner,
v

MEMORANDUM AND JUDGMENT

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

Calendar Date: January 23, 2018

Before: McCarthy, J.P., Lynch, Clark, Mulvey and Pritzker, JJ.

Tyrone Harrison, Rome, 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 respondent finding petitioner guilty of violating a prison disciplinary rule.

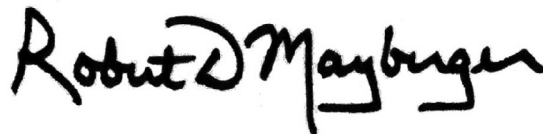
Petitioner commenced this CPLR article 78 proceeding seeking to challenge a tier III determination finding him guilty of violating a prison disciplinary rule. The Attorney General has advised this Court that the determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge has been refunded to petitioner's institutional account. To the extent that petitioner seeks to be restored to

the status that he enjoyed prior to the disciplinary determination, he is not entitled to such relief (see Matter of Smart v Annucci, 155 AD3d 1289, 1289 [2017]; Matter of Smith v Prack, 131 AD3d 784, 784 [2015]). We note, however, that any loss of good time imposed should be restored (see Matter of Guillebeaux v Annucci, 156 AD3d 1001, 1001 [2017]; Matter of Ulmer v Annucci, 155 AD3d 1171, 1171 [2017]). Otherwise, inasmuch as petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Ulmer v Annucci, 155 AD3d at 1171; Matter of Habeeb v Annucci, 153 AD3d 1497, 1498 [2017]).

McCarthy, J.P., Lynch, Clark, 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