

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

Decided and Entered: April 26, 2018

525562

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In the Matter of WILLIAM BURCH,  
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

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Calendar Date: March 2, 2018

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

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William Burch, Malone, 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 Albany County) to review a determination of the Commissioner of Corrections and Community Supervision finding petitioner guilty of violating a prison disciplinary rule.

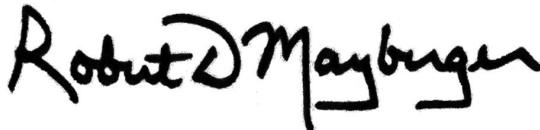
Petitioner was charged in a misbehavior report with using a controlled substance after his urine sample twice tested positive for the presence of buprenorphine. At the ensuing tier III disciplinary proceeding, petitioner pleaded guilty and, as a result, a Hearing Officer found him guilty of the charge. The determination was affirmed on administrative appeal. This CPLR article 78 proceeding ensued.

We confirm. Petitioner's guilty plea precludes him from challenging the sufficiency of the evidence supporting the determination of guilt (see Matter of LaGrave v Venettozzi, 157 AD3d 1184, 1185 [2018]; Matter of Reed v Annucci, 155 AD3d 1193, 1194 [2017]). Petitioner's challenge to the chain of custody of his urine sample was not raised at the hearing and is irrelevant in light of his admission to using a controlled substance (cf. Matter of Tingling v Fischer, 108 AD3d 989, 990 [2013]). In addition, there is no evidence in the record to support petitioner's claim that the Hearing Officer coerced him into pleading guilty (see Matter of Pequero v Annucci, 156 AD3d 986, 987 [2017]; Matter of Almonte v Fischer, 70 AD3d 1156, 1157 [2010], lv denied 14 NY3d 709 [2010]).

McCarthy, J.P., Lynch, Mulvey, Rumsey and Pritzker, JJ.,  
concur.

ADJUDGED that the determination is confirmed, without  
costs, and petition dismissed.

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