

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

Decided and Entered: January 21, 2021

531005

In the Matter of DAVID
SNIPES,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: January 4, 2021

Before: Garry, P.J., Lynch, Mulvey, Pritzker and Reynolds
Fitzgerald, JJ.

David Snipes, Dannemora, petitioner pro se.

Letitia James, Attorney General, Albany (Kate H. Nepveu 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 to
challenge a tier III disciplinary determination finding him
guilty of violating a prison disciplinary rule. The Attorney
General has advised this Court that petitioner died during the
pendency of this appeal. Accordingly, petitioner's death
renders this proceeding moot insofar as he can no longer be

granted his request to annul the determination finding him guilty of violating a prison disciplinary rule (see Matter of Washington v Hoke, 168 AD2d 701, 701 [1990]; Matter of Dean v Tofany, 48 AD2d 964, 964 [1975]). In addition, petitioner's case does not involve issues likely to evade review or present significant or important questions not previously passed upon; therefore, his claims will not be addressed (see Matter of Bezio v Dorsey, 21 NY3d 93, 100 [2013]; Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715 [1980]; Matter of Washington v Hoke, 168 AD2d at 701).

Garry, P.J., Lynch, Mulvey, Pritzker and Reynolds
Fitzgerald, J.J., 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