

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

Decided and Entered: April 21, 2022

533644

In the Matter of CLARENCE
TUCKER,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: March 18, 2022

Before: Egan Jr., J.P., Lynch, Clark, Pritzker and Ceresia, JJ.

Clarence Tucker, Comstock, petitioner pro se.

Letitia James, Attorney General, Albany (Martin Hotvet 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 certain prison disciplinary
rules.


Petitioner commenced this CPLR article 78 proceeding
seeking to challenge a tier III determination finding him guilty
of violating certain prison disciplinary rules. 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. Accordingly, as petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Dominguez v Wendland, 196 AD3d 991, 991-992 [2021]; Matter of Santana v Annucci, 190 AD3d 1182, 1183 [2021]).

Egan Jr., J.P., Lynch, Clark, Pritzker and Ceresia, 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