

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

Decided and Entered: March 10, 2022

534000

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In the Matter of ROMAN G. KEY,  
Petitioner,

v

STATE OF NEW YORK DEPARTMENT OF  
CORRECTIONS AND COMMUNITY  
SUPERVISION,  
Respondent.

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MEMORANDUM AND JUDGMENT

Calendar Date: February 4, 2022

Before: Garry, P.J., Clark, Colangelo, Ceresia and Fisher, JJ.

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Roman G. Key, Malone, petitioner pro se.

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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 certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding challenging a tier III determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has since 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 inmate account. In view of this, and given that petitioner has been granted all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Delgado v Annucci, 197

AD3d 1483, 1484 [2021]; Matter of Pagan v Annucci, 188 AD3d 1349, 1349 [2020]).

Garry, P.J., Clark, Colangelo, Ceresia and Fisher, 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