

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

Decided and Entered: September 22, 2022

535060

In the Matter of CHRISTOPHER
HARRELL,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: September 2, 2022

Before: Garry, P.J., Clark, Reynolds Fitzgerald, Fisher and
McShan, JJ.

Christopher Harrell, Napanoch, 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 certain prison disciplinary
rules.


Petitioner commenced this CPLR article 78 proceeding
challenging a tier III disciplinary determination finding him
guilty of violating certain prison disciplinary rules. The
Attorney General has informed this Court that the determination
at issue has been administratively reversed, all references

thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge will be refunded to petitioner's account. To the extent that petitioner requests that he be restored to the status he enjoyed prior to the disciplinary proceeding, he is not entitled to such relief (*see Matter of Jeffreys v New York State Dept. of Corr. & Community Supervision*, 199 AD3d 1155, 1155 [3d Dept 2021]). As petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (*see Matter of Tucker v Annucci*, 204 AD3d 1286, 1287 [3d Dept 2022]; *Matter of Key v State of N.Y. Dept. of Corr. & Community Supervision*, 203 AD3d 1374, 1374 [3d Dept 2022]).

Garry, P.J., Clark, Reynolds Fitzgerald, Fisher and McShan, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized "R" and "M".

Robert D. Mayberger
Clerk of the Court