

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

Decided and Entered: March 19, 2026

CV-25-1176

In the Matter of TEVIN WILLIAMS,
Petitioner,

v

MEMORANDUM AND JUDGMENT

DANIEL F. MARTUSCELLO III, as
Commissioner of Corrections
and Community Supervision,
Respondent.

Calendar Date: February 6, 2026

Before: Garry, P.J., Pritzker, McShan, Powers and Mackey, JJ.

Tevin Williams, Wallkill, 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 Ulster County) to review a determination of respondent finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner, an incarcerated individual, was charged in a misbehavior report with smuggling and violating facility visiting procedures after he was observed on facility video appearing to take an unknown item from his visitor and stuffing it into his pants. Following a tier III disciplinary hearing, he was found guilty as charged. The determination was affirmed upon administrative appeal, and this CPLR article 78 proceeding ensued.

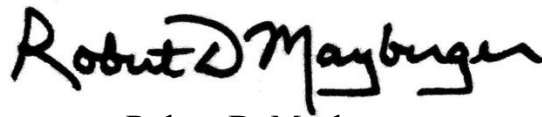
We confirm. Although no contraband was recovered, the misbehavior report and evidence presented at the hearing, including video footage of the incident, still constitutes substantial evidence to support the finding of guilt (*see Matter of Watkins v Prack*, 133 AD3d 991, 992 [3d Dept 2015], *lv dismissed* 27 NY3d 1017 [2016]; *Matter of Gren v Annucci*, 119 AD3d 1307, 1308 [3d Dept 2014]). The innocuous explanation petitioner offered for his behavior created a credibility issue for the Hearing Officer to resolve (*see Matter of Dunbar v Annucci*, 173 AD3d 1598, 1599 [3d Dept 2019]; *Matter of Watkins v Prack*, 133 AD3d at 992).

Turning to petitioner's procedural challenges, the misbehavior report "was sufficiently detailed to provide [him] with adequate notice of the charges and an opportunity to prepare a defense" as required (*Matter of Bachiller v Annucci*, 166 AD3d 1186, 1187 [3d Dept 2018]; *see* 7 NYCRR 251-3.1 [c]). Petitioner's requests for witnesses and video to establish that no contraband was recovered from him after the incident, a fact that was not in dispute and did not form the basis for any of the charges against him, were properly denied by the Hearing Officer as irrelevant (*see Matter of Maynard v Bondarenka*, 240 AD3d 1117, 1118 [3d Dept 2025]; *Matter of Horton v Annucci*, 163 AD3d 1385, 1386 [3d Dept 2018]). Further, "there is nothing in the record to indicate that the Hearing Officer was biased or that the determination flowed from any alleged bias" (*Matter of Horton v Annucci*, 163 AD3d at 1386). To the extent that petitioner's remaining contentions are properly before us, they have been considered and found to be without merit.

Garry, P.J., Pritzker, McShan, Powers and Mackey, 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