

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

Decided and Entered: June 25, 2026

CV-25-1464

In the Matter of JEAN MARC
DESMARAT,
Petitioner,

v

MEMORANDUM AND JUDGMENT

DANIEL F. MARTUSCELLO III, as
Commissioner of Corrections
and Community Supervision,
et al.,
Respondents.

Calendar Date: May 22, 2026

Before: Garry, P.J., Clark, Pritzker, Fisher and Mackey, JJ.

Jean Marc Desmarat, Napanoch, petitioner pro se.

Letitia James, Attorney General, Albany (*Kate H. Nepveu* of counsel), for respondents.

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 Superintendent of Woodbourne Correctional Facility finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding to challenge a tier II disciplinary finding that he had violated certain prison disciplinary rules. The Attorney General has advised 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 has been refunded to petitioner's account. Inasmuch as petitioner has received all of the relief to which he is entitled, this matter is dismissed as moot (see *Matter of Leonard v Titus*, 239 AD3d 1132, 1132 [3d Dept 2025]; *Matter of Acevedo v Annucci*, 237 AD3d 1331, 1331 [3d Dept 2025]).

Garry, P.J., Clark, Pritzker, Fisher and Mackey, 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