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

Decided and Entered: October 8, 2026 CV-26-0577

In the Matter of JAMES STEVENSON,
Petitioner,
v
DANIEL F. MARTUSCELLO III, as Commissioner of Corrections and Community Supervision, et al.,
Respondents.

MEMORANDUM AND JUDGMENT

Calendar Date: September 11, 2026

Before: Aarons, J.P., Reynolds Fitzgerald, Fisher, Powers and Corcoran, JJ.

James Stevenson, Moravia, 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 respondent 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 disciplinary determination finding that he violated various 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, the matter is dismissed as moot (*see Matter of Rich v Martuscello*, 249 AD3d 1415, 1415 [3d Dept 2026]; *Matter of Evans v Rodriguez*, 244 AD3d 1366, 1366 [3d Dept 2025]). As the record reflects that petitioner paid a reduced filing fee of $15 and he requests reimbursement thereof, we grant his request and direct respondents to reimburse him for that amount (*see Matter of Evans v Rodriguez*, 244 AD3d at 1366-1367; *Matter of Engles v Rodriguez*, 229 AD3d 1030, 1030 [3d Dept 2024]).

Aarons, J.P., Reynolds Fitzgerald, Fisher, Powers and Corcoran, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of $15.

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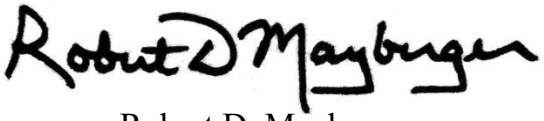

Robert D. Mayberger
Clerk of the Court