

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Hill v Bradford

2026 NY Slip Op 03215 · No. CV-25-1557 · Decided May 21, 2026

SUMMARY

The Appellate Division, Third Department reviewed a CPLR article 78 proceeding challenging prison disciplinary determinations. It dismissed as moot the challenge to the administratively reversed harassment finding and confirmed the determinations finding the petitioner guilty of disobeying a direct order, creating a disturbance, and violating a movement regulation.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Reynolds Fitzgerald, J.; Ceresia, J.; McShan, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	May 21, 2026
DOCKET	CV-25-1557
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding transferred from Supreme Court, Washington County, to review prison disciplinary determinations.
STANDARD OF REVIEW	Whether the administrative determination is supported by substantial evidence; procedural objections may be waived by failure to renew them before the disciplinary hearing closes.
PRECEDENTIAL VALUE	Published
PARTIES	Christian Hill v. Dennis Bradford, as Superintendent of Great Meadow Correctional Facility

TOPICS

- agency adjudication
- judicial review of agency action
- mootness
- waiver
- standard of review

PRACTICE AREAS

- administrative law
- prison disciplinary proceedings
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the harassment determination should be reviewed after it was administratively reversed and all related relief was provided.
2. Whether petitioner's guilty plea barred a challenge to the determination finding him guilty of disobeying a direct order.
3. Whether substantial evidence supported the determinations finding petitioner guilty of creating a disturbance and violating a movement regulation.
4. Whether petitioner preserved an objection to the denial of his request for a videotape of the incident and, if preserved, whether the videotape was relevant.

HOLDINGS

1. The challenge to the harassment determination was moot because the determination had been administratively reversed, the related references had been expunged from petitioner's institutional record, and the mandatory surcharge had been returned.
2. Petitioner's guilty plea precluded any challenge to the determination finding him guilty of disobeying a direct order.
3. The determination that petitioner was guilty of creating a disturbance and violating a movement regulation was supported by substantial evidence.
4. Petitioner waived any objection to the denial of the videotape request by failing to renew the request and by stating before the hearing closed that he had no further evidence or procedural objections; in any event, the requested evidence was irrelevant because the fact it was offered to establish was undisputed.

FACTUAL BACKGROUND

Petitioner was charged in two misbehavior reports arising from incidents at Great Meadow Correctional Facility. In the first incident, he repeatedly refused a correction officer's orders to provide his cell number, remained in a gallery gate area, and yelled comments about the officer. The second report alleged that he again refused to provide his cell location; he was later found guilty of harassment on that charge, although that determination was administratively reversed during the article 78 proceeding.

PROCEDURAL HISTORY

Petitioner was found guilty after separate tier II disciplinary hearings of refusing a direct order, creating a disturbance, and violating a movement regulation based on one misbehavior report, and of harassment based on a second report. After discretionary review made no changes, petitioner commenced this CPLR article 78 proceeding. During the proceeding, the harassment determination was administratively reversed, the related records were expunged, and the surcharge was returned.

DISPOSITION

dismissed

CASES CITED

- Matter of Logan v Lilley, 190 AD3d 1185, 1185 (3d Dept 2021)
- Matter of Perez v Venettozzi, 182 AD3d 869, 869 (3d Dept 2020)
- Matter of Cato v Martuscello, 232 AD3d 1191, 1192 n (3d Dept 2024)
- Matter of Olukotun-Williams v Gardner, 221 AD3d 1164, 1165 (3d Dept 2023), lv denied 42 NY3d 902 (2024)
- Matter of Amaker v Bezio, 98 AD3d 1146, 1146-1147 (3d Dept 2012)
- Matter of Malave v Bedard, 153 AD3d 1536, 1536 (3d Dept 2017)

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