

COURT OF APPEALS OF THE STATE OF NEW YORK

Matter of Josey v. Goord

9 N.Y.3d 386, 880 N.E.2d 18, 849 N.Y.S.2d 497 (2007) · Decided December 20, 2007

SUMMARY

The New York Court of Appeals held that res judicata did not bar the Department of Correctional Services from imposing a disciplinary penalty based on an inmate's subsequent criminal conviction arising from conduct for which he had previously received prison discipline. The Court reasoned that applying claim preclusion would conflict with DOCS's penological functions and its need to act promptly and adjust sanctions after later criminal proceedings.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Graffeo, J.; Chief Judge Kaye; Judge Ciparick; Judge Read; Judge Smith; Judge Pigott; Judge Jones
JURISDICTION	New York
DECIDED	December 20, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner commenced a CPLR article 78 proceeding challenging a prison disciplinary determination on res judicata grounds. Supreme Court denied the petition and dismissed the proceeding; the Appellate Division affirmed; the Court of Appeals granted leave to appeal.
STANDARD OF REVIEW	Whether res judicata applies to the administrative disciplinary determination under the circumstances presented; prison disciplinary determinations generally need only be supported by substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion of the New York Court of Appeals
PARTIES	Derek Josey v. Glenn S. Goord, as Commissioner of Correctional Services

TOPICS

res judicata agency adjudication administrative law judicial review of agency action civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether res judicata precludes DOCS from imposing a disciplinary penalty based on an inmate's subsequent criminal conviction when DOCS previously disciplined the inmate for disciplinary violations arising from the same incident.
2. Whether applying res judicata in these circumstances would be inconsistent with DOCS's penological functions and the nature of prison disciplinary proceedings.

HOLDINGS

1. Res judicata does not preclude DOCS from disciplining an inmate for being convicted of a Penal Law offense even though DOCS previously imposed a disciplinary penalty for violations arising from the same conduct.

KEY QUOTATIONS

“Although petitioner correctly asserts that both determinations arose out of the same July 17, 2003 transaction, we conclude that res judicata does not foreclose DOCS from disciplining petitioner for his subsequent criminal conviction.” (9 N.Y.3d at 390)

“We therefore determine that res judicata does not preclude DOCS from disciplining an inmate for being convicted of a Penal Law offense even though DOCS previously assessed a penalty for the inmate's violation of disciplinary rules stemming from the same conduct.” (9 N.Y.3d at 392)

FACTUAL BACKGROUND

Josey, an inmate, stabbed another inmate during a July 17, 2003 prison altercation, and the other inmate later died. DOCS promptly disciplined Josey for assault, fighting, and weapon-related violations, imposing a 24-month Special Housing Unit penalty. After Josey pleaded guilty to second-degree manslaughter arising from the same incident, DOCS held a further disciplinary hearing based on the conviction and imposed an additional penalty, which Josey challenged as barred by res judicata.

PROCEDURAL HISTORY

DOCS disciplined Josey after a prison fight, and later imposed an additional disciplinary penalty after he pleaded guilty to second-degree manslaughter arising from the same incident. Josey challenged the later disciplinary determination under CPLR article 78, arguing that the earlier disciplinary proceeding barred the later proceeding under res judicata. Supreme Court rejected the claim, the Appellate Division affirmed, and the Court of Appeals affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Hunter, 4 N.Y.3d 260, 269 (2005)
- O'Brien v. City of Syracuse, 54 N.Y.2d 353, 357 (1981)
- Ryan v. New York Tel. Co., 62 N.Y.2d 494, 499 (1984)
- Matter of Venes v. Community School Bd. of Dist. 26, 43 N.Y.2d 520, 524 (1978)
- People ex rel. Vega v. Smith, 66 N.Y.2d 130, 142 (1985)
- Superintendent, Mass. Corr. Inst. at Walpole v. Hill, 472 U.S. 445, 456 (1985)
- Matter of Lahey v. Kelly, 71 N.Y.2d 135, 140 (1987)
- People v. Vasquez, 89 N.Y.2d 521, 529 (1997), cert. denied sub nom. Cordero v. Lalor, 522 U.S. 846 (1997)
- Cordero v. Lalor, 522 U.S. 846 (1997)
- Borchers and Markell, New York State Administrative Procedure and Practice § 3.23, at 76 (2d ed.)