

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

Matter of Mills v. Shumaker

133 A.D.3d 1019 (N.Y. App. Div. 2015) · No. 520664 · Decided November 12, 2015

SUMMARY

The New York Supreme Court, Appellate Division, Third Department reviewed a CPLR article 78 proceeding challenging a prison disciplinary determination finding Jonathan Mills guilty of violating prison rules. The court confirmed the determination and dismissed the petition without costs.

CASE DETAILS

|                       |                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Third Department                                                                                                       |
| WRITING FOR THE COURT | Peters, P.J.; Egan Jr., J.; Rose, J.; Devine, J.                                                                                                                                   |
| JURISDICTION          | New York                                                                                                                                                                           |
| DECIDED               | November 12, 2015                                                                                                                                                                  |
| DOCKET                | 520664                                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Proceeding under CPLR article 78 to review a prison disciplinary determination; the proceeding was transferred to the Appellate Division by order of Supreme Court, Albany County. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                          |
| PARTIES               | Jonathan Mills v. Lieutenant Shumaker, as Hearing Officer at Southport Correctional Facility, et al., Commissioner of Corrections and Community Supervision                        |

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- appellate procedure

PRACTICE AREAS

- administrative law
- prison disciplinary proceedings
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Commissioner's determination finding Mills guilty of violating prison disciplinary rules should be annulled.

## HOLDINGS

1. The determination of the Commissioner of Corrections and Community Supervision was confirmed, and Mills's petition was dismissed.

## FACTUAL BACKGROUND

A prison disciplinary proceeding resulted in a determination by the Commissioner of Corrections and Community Supervision finding Jonathan Mills guilty of violating certain prison disciplinary rules. Mills sought Article 78 review of that determination.

## PROCEDURAL HISTORY

Jonathan Mills commenced an Article 78 proceeding challenging a determination of the Commissioner of Corrections and Community Supervision finding him guilty of violating prison disciplinary rules. Supreme Court transferred the proceeding to the Appellate Division, Third Department, which confirmed the determination and dismissed the petition.

## DISPOSITION

dismissed

## INSTRUCTIONS FOR AN AI ASSISTANT

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