

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

Matter of Edmonson v. Annucci

2021 NY Slip Op 06122 (N.Y. Ct. App. 2021) · No. 531563 · Decided November 10, 2021

SUMMARY

The Appellate Division, Third Department affirmed dismissal of a CPLR article 78 proceeding challenging the denial of an incarcerated person's application to participate in New York's Family Reunion Program. The court held that the denial was rationally based on the seriousness of the petitioner's crimes, extensive disciplinary history, and other factors, and upheld the requirement that he remain free of disciplinary infractions for two years before reapplying.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Clark, J.P.; Aarons, J.; Pritzker, J.; Reynolds Fitzgerald, J.; Colangelo, J.
JURISDICTION	New York
DECIDED	November 10, 2021
DOCKET	531563
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of Supreme Court, Albany County, dismissing a CPLR article 78 petition challenging the denial of an incarcerated person's application to participate in the Family Reunion Program.
STANDARD OF REVIEW	Whether the administrative determination had a rational basis and was not arbitrary, capricious, unreasonable, or impermissible.
PRECEDENTIAL VALUE	Published opinion; precedential value under New York appellate practice.
PARTIES	Samuel Edmonson v. Anthony J. Annucci, as Acting Commissioner of Corrections and Community Supervision, et al.

TOPICS

judicial review of agency action

agency adjudication

administrative law

civil procedure

PRACTICE AREAS

administrative law

corrections law

civil procedure

QUESTIONS PRESENTED

1. Whether the denial of Edmonson's application to participate in the Family Reunion Program had a rational basis.
2. Whether the agency properly considered Edmonson's serious criminal history, extensive disciplinary record, and recent marriage in denying the application.
3. Whether the condition requiring Edmonson to remain free of disciplinary infractions for two years before reapplying was unreasonable or impermissible.

HOLDINGS

1. Participation in the Family Reunion Program is a privilege rather than a right, and the discretionary decision to deny participation will be upheld if it has a rational basis.
2. Prior participation in the Family Reunion Program does not guarantee approval of a later application because each application is subject to a new discretionary review.
3. The Director had a rational basis to deny the application based on Edmonson's violent criminal history, extensive and poor disciplinary record, and other relevant factors, including the recency of his marriage.
4. The condition that Edmonson remain free of disciplinary infractions for two years before reapplying was not unreasonable or impermissible.

KEY QUOTATIONS

*“Participation in the [FRP] is a privilege and not a right, and the decision whether an inmate may participate is heavily discretionary and, as such, will be upheld if it has a rational basis” (*1)*

*“prior participation in the [FRP] does not guarantee that a future application will be approved . . . as each application is subjected to a new discretionary review” (*1)*

*“a pattern of institutional adjustment” (*2)*

FACTUAL BACKGROUND

Edmonson was serving an aggregate sentence of 75 years to life for convictions arising from crimes committed while he was on parole. In 2019, he applied to participate in the Family Reunion Program with his spouse, whom he married in 2017. The application was denied after special review based on the seriousness of his crimes, including his involvement in a violent narcotics enterprise, and his extensive disciplinary record, which included 21 tier III and nine tier II violations, assaults, weapon possession, drug offenses, and violent conduct.

PROCEDURAL HISTORY

Edmonson applied to participate in the Family Reunion Program with his spouse. The Director of Ministerial, Family and Volunteer Services denied the application after special review based principally on Edmonson's serious criminal history and extensive disciplinary record, and Supreme Court dismissed his article 78 petition after finding a rational basis for the denial. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Edmonson, 300 AD2d 317 (2002), lv denied 99 NY2d 614 (2003)
- Matter of Stevenson v. Smith, 175 AD3d 1680, 1681 (2019), appeal dismissed and lv denied 34 NY3d 1198 (2020)
- Matter of Marshall v. New York State Dept. of Corr. & Community Supervision, 167 AD3d 1115, 1116 (2018), lv denied 33 NY3d 901 (2019)
- Matter of Loucks v. Annucci, 175 AD3d 775, 776-777 (2019)
- Matter of Gordon v. Morris, 144 AD3d 1338, 1339 (2016), lv denied 28 NY3d 914 (2017)
- Matter of Campbell v. Morris, 139 AD3d 1278, 1279 (2016)
- Matter of Shapard v. Annucci, 177 AD3d 1048, 1051 (2019)