

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

Matter of Winston v. Burns

2026 NY Slip Op 02317 · No. CV-25-1047 · Decided April 16, 2026

SUMMARY

The Appellate Division, Third Department confirmed a determination finding Tyrone Winston guilty of violating a prison disciplinary rule. The court dismissed his CPLR article 78 petition without costs and issued no opinion.

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	April 16, 2026
DOCKET	CV-25-1047
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding transferred to the Appellate Division by order of the Supreme Court, Albany County, to review a prison disciplinary determination.
PRECEDENTIAL VALUE	Published
PARTIES	Tyrone Winston v. Lt. Burns, as Hearing Officer at Auburn Correctional Facility, Superintendent of Auburn Correctional Facility, Other respondents

TOPICS

- judicial review of agency action
- appellate procedure
- civil procedure

PRACTICE AREAS

- administrative law
- prison disciplinary proceedings
- appellate procedure

QUESTIONS PRESENTED

1. Whether the determination of the Superintendent of Auburn Correctional Facility finding petitioner guilty of violating a prison disciplinary rule should be annulled.

HOLDINGS

1. The determination finding petitioner guilty of violating a prison disciplinary rule was confirmed, and the CPLR article 78 petition was dismissed.

FACTUAL BACKGROUND

The Superintendent of Auburn Correctional Facility determined that Tyrone Winston was guilty of violating a prison disciplinary rule. Winston sought review of that determination in a CPLR article 78 proceeding. The proceeding was transferred from Supreme Court, Albany County, to the Appellate Division.

PROCEDURAL HISTORY

Petitioner commenced a CPLR article 78 proceeding challenging the determination of the Superintendent of Auburn Correctional Facility finding him guilty of violating a prison disciplinary rule. The Supreme Court entered an order transferring the proceeding to the Appellate Division, Third Department. The Appellate Division confirmed the determination and dismissed the petition.

DISPOSITION

dismissed

OPINION

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PER CURIAM.

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In the Matter of Tyrone Winston, Petitioner, v LT. Burns, as Hearing Officer at Auburn Correctional Facility, et al., Respondents. Decided and Entered: April 16, 2026 CV-25-1047 Calendar Date: March 20, 2026

Before: Garry, P.J., Reynolds Fitzgerald, Ceresia, Mcshan And Ryba, JJ.

Tyrone Winston, Attica, 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 the Superintendent of Auburn Correctional Facility finding petitioner guilty of violating a prison disciplinary rule.

Determination confirmed.

No opinion.

Garry, P.J., Reynolds Fitzgerald, Ceresia, McShan and Ryba, JJ., concur.

ADJUDGED that the determination is confirmed, without costs, and petition dismissed.

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