



State of New York
Court of Appeals

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NOTICE TO THE BAR

Amicus Curiae Participation

On October 22, 2009 the Court of Appeals granted leave to appeal in Matter of Woodard v. Prack, a CPLR article 78 proceeding challenging a prison disciplinary determination finding petitioner guilty of making threats. After receiving a threatening letter and comparing it to handwriting samples in prisoner files, Department of Correctional Services personnel determined that petitioner wrote the letter and charged him in a misbehavior report with violent conduct and making threats. Following a tier III hearing at which petitioner denied writing the letter, the hearing office found petitioner guilty of making threats, relying upon the misbehavior report, testimony from a non-expert correction officer that the threatening letter and exemplar matched, and the hearing officer's own inspection of the handwriting samples. The Appellate Division confirmed the determination and dismissed the petition, holding, among other things, that substantial evidence supported the determination. The Appellate Division decision appears at 64 AD3d 842, 881 NYS2d 338.

The Court invites amicus curiae participation from those qualified and interested.

Amicus motions must comply with section 500.23 of the Rules of the Court of Appeals. The text of the Rule is available on the Court's internet web site at:

<http://www.courts.state.ny.us/ctapps/500rules08.htm>.

Questions may be directed by telephone to the Clerk's Office at (518) 455-7705.

October 23, 2009

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