

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D21658  
C/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - December 8, 2008

REINALDO E. RIVERA, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS, JJ.

---

2007-11765

DECISION & JUDGMENT

In the Matter of Sharon Mabry, petitioner,  
v E. Maddox, etc., et al., respondents.

(Index No. 8418/07)

---

Sharon Mabry, Bedford Hills, N.Y., petitioner pro se.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael S. Belohlavek and  
Patrick J. Walsh of counsel), for respondents.

Proceeding pursuant to CPLR article 78 to review a determination of the New York State Department of Correctional Services dated April 19, 2007, which affirmed a determination of a hearing officer dated February 28, 2007, made after a Tier III disciplinary hearing, finding the petitioner guilty of violating Prison Disciplinary Rule 116.10 (7 NYCRR 270.2[B][17][i]) and imposing a penalty.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, without costs or disbursements.

The determination of the Hearing Officer was supported by substantial evidence (*see Matter of Reyes v Goord*, 49 AD3d 546; *Matter of Igartua v Selsky*, 41 AD3d 717). There is no evidence in this record that the petitioner was denied her right to call witnesses or otherwise deprived of due process of law.

The petitioner's remaining contentions are without merit.

RIVERA, J.P., ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 30, 2008

MATTER OF MABRY v MADDOX