

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

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_____AD3d_____

Submitted - May 7, 2012

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
ROBERT J. MILLER, JJ.

2011-01680

DECISION & JUDGMENT

In the Matter of Antwane Carlisle, petitioner, v Supt.
Lee, Green Haven CF, respondent.

(Index No. 5249/10)

Antwane Carlisle, Stormville, N.Y., petitioner pro se.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Michael S. Belohlavek
and Ann P. Zybert of counsel), for respondent.

Proceeding pursuant to CPLR article 78 to review a determination of the Superintendent of the Green Haven Correctional Facility dated June 15, 2010, which confirmed a determination of a hearing officer dated June 8, 2010, made after a Tier II disciplinary hearing, finding the petitioner guilty of violating Prison Disciplinary Rule 116.10 (7 NYCRR 270.2[B][17][i]), and imposing penalties.

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

When reviewing a prison disciplinary determination, the court must decide only whether the determination was supported by substantial evidence (*see* CPLR 7803[4]; *Matter of Lahey v Kelly*, 71 NY2d 135, 140; *Matter of Reyes v Leclair*, 49 AD3d 884; *Matter of Blanco v Selsky*, 45 AD3d 679, 679-680; *Matter of De La Cruz v Selsky*, 36 AD3d 907). Here, contrary to the petitioner's contention, the determination that he violated Prison Disciplinary Rule 116.10 (7 NYCRR 270.2[B][17][i]) was supported by substantial evidence (*see Matter of Mills v Fischer*, 85 AD3d 1033; *Matter of Mabry v Maddox*, 57 AD3d 1000; *Matter of Lewis v Connolly*, 44 AD3d 665).

The petitioner failed to demonstrate that the hearing officer was biased against him.

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The record demonstrates that the hearing was conducted in a fair and impartial manner and that the determination was not the result of any alleged bias on the part of the hearing officer (*see Matter of Reyes v Leclair*, 49 AD3d at 885; *Matter of Smythe v Goord*, 41 AD3d 608, 609).

The petitioner's remaining contentions are without merit.

RIVERA, J.P., DICKERSON, HALL and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court