

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**1622**

**TP 10-01577**

PRESENT: MARTOCHE, J.P., FAHEY, CARNI, LINDLEY, AND SCONIERS, JJ.

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IN THE MATTER OF TIM SHARPE, PETITIONER,

V

ORDER

BRIAN FISCHER, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF CORRECTIONAL SERVICES, RESPONDENT.

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TIM SHARPE, PETITIONER PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF  
COUNSEL), FOR RESPONDENT.

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Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered July 23, 2010) to review separate determinations of respondent. Respondent determined, after a Tier III hearing that petitioner had violated an inmate rule and further determined that petitioner should not be paroled.

It is hereby ORDERED that the determinations are unanimously confirmed without costs and the petition is dismissed.

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court