

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

D55274  
G/htr

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

Submitted - January 11, 2018

REINALDO E. RIVERA, J.P.  
ROBERT J. MILLER  
VALERIE BRATHWAITE NELSON  
ANGELA G. IANNACCI, JJ.

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2016-11847

DECISION & JUDGMENT

In the Matter of Barry Manuel, petitioner, v Thomas  
Griffin, etc., respondent.

(Index No. 1300/16)

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Barry Manuel, Stormville, NY, petitioner pro se.

Barbara D. Underwood, Acting Attorney General, New York, NY (Andrew W.  
Amend and David Lawrence III of counsel), for respondent.

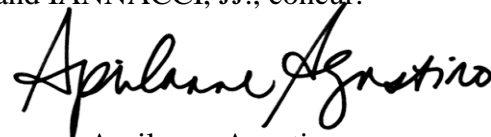
Proceeding pursuant to CPLR article 78 to review a determination of the Superintendent of the Green Haven Correctional Facility dated February 22, 2016, which affirmed a determination of a hearing officer dated February 9, 2016, made after a Tier II disciplinary hearing, finding the petitioner guilty of violating Institutional Rules of Conduct rules 106.10, 109.10, and 109.12 (7 NYCRR 270.2[B][7][i]; [10][i], [iii]) 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.

Contrary to the petitioner's contentions, the misbehavior report and the hearing testimony provided substantial evidence to support the hearing officer's determination that the petitioner violated the subject disciplinary rules (*see Matter of Antrobus v Lee*, 140 AD3d 745; *Matter of Burgess v Bellnier*, 138 AD3d 989; *Matter of Jackson v Prack*, 137 AD3d 1133; *Matter of Mitchell v Fischer*, 300 AD2d 491).

RIVERA, J.P., MILLER, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

May 9, 2018

MATTER OF MANUEL v GRIFFIN