

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

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TP 25-00640

PRESENT: WHALEN, P.J., LINDLEY, MONTOUR, NOWAK, AND KEANE, JJ.

IN THE MATTER OF JAMES R. CHARTRAND, PETITIONER,

V

MEMORANDUM AND ORDER

THE DIVISION OF THE NEW YORK STATE POLICE, RESPONDENT.

DAVID A. LONGERETTA, UTICA, FOR PETITIONER.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (ALEXANDRIA TWINEM OF COUNSEL), FOR RESPONDENT.

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, Lewis County [William F. Ramseier, J.], entered November 9, 2023) to review a determination of respondent. The determination dismissed petitioner from employment.

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

Memorandum: Petitioner, a former New York State Trooper, commenced this CPLR article 78 proceeding seeking to annul respondent's determination finding him guilty of various disciplinary charges arising from off-duty conduct including sexual misconduct and driving while intoxicated or, in the alternative, to vacate the penalty of dismissal from employment. Contrary to petitioner's contentions, we conclude that the determination is supported by substantial evidence (*see Matter of Franklin v D'Amico*, 117 AD3d 1432, 1432-1434 [4th Dept 2014]; *Matter of Hricik v McMahon*, 247 AD2d 935, 935-936 [4th Dept 1998]) and that the penalty is not shocking to one's sense of fairness (*see Franklin*, 117 AD3d at 1434; *Matter of Panek v Bennett*, 38 AD3d 1251, 1252 [4th Dept 2007]; *see generally Matter of Arroyo v O'Neill*, 35 NY3d 1030, 1031 [2020]).

Entered: November 21, 2025

Ann Dillon Flynn
Clerk of the Court