

**Matter of PERRY PENDELL v DANIEL F. MARTUSCELLO
III, as Commr. of Corr. & Community Supervision**

Motion No: CV-25-1036

Slip Opinion No: 2026 NY Slip Op 71334(U)

Decided on June 25, 2026

Appellate Division, Third Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to
Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: June 25, 2026

CV-25-1036

In the Matter of PERRY PENDELL,
Petitioner,
v

DECISION AND ORDER
ON MOTION

DANIEL F. MARTUSCELLO III, as
Commissioner of Corrections
and Community Supervision,
Respondent.

Motion for reargument or, in the alternative, for permission to appeal to the Court of Appeals.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied, without costs.

Clark, J.P., Aarons, Pritzker and McShan, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court