

**State of New York v Bartlett**

2016 NY Slip Op 30687(U)

April 10, 2016

Supreme Court, Seneca County

Docket Number: 49956

Judge: Dennis F. Bender

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This opinion is uncorrected and not selected for official publication.

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SENECA

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The State of New York, on relation of

ARON MCDONALD  
DIN # 15-A-5030

Petitioner

DECISION AND  
JUDGMENT

Index No. 49956

-against-

RICKEY A. BARTLETT, SUPERINTENDENT OF  
WILLARD DRUG TREATMENT CAMPUS, AND  
THE CHAIRPERSON OF THE NYS BOARD OF  
PAROLE,

Respondents

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The petitioner, Aron McDonald, filed a petition for a writ of habeas corpus with this Court. According to the petitioner, he was sentenced on December 14, 2015 to the Willard Drug Treatment Program by a "Judge". He alleges he was due to be released from Willard on April 5, 2016, but after his arrival at Willard he was transferred back to Downstate Correctional Facility Reception Center for Court. His release date from Willard is now April 26, 2016.


The petitioner alleges he should not be held until April 26, 2016 and that his "...Willard time should never have stopped running do (sic) to petitioner being returned back to Downstate Correctional Facility Reception Center, due to a Court date."

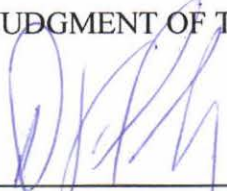
The petition is dismissed on both procedural and substantive grounds. First, procedurally, the petitioner has failed to attach a copy of his mandate as required by statute. Secondly, the petitioner fails to show he is entitled to immediate release. He does not dispute that he was appropriately transferred to Downstate Correctional Facility due to an outstanding Court date and he also does not allege he has, to date, successfully completed the Willard Drug Treatment Program as required by his original sentence. He provides no authority for his position that respondents had no right to transfer him to Downstate for an apparently necessary court date and then return him to Willard to complete his Willard sentence.

Based upon the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED, that the petition is in all respects denied and dismissed.

THIS CONSTITUTES THE DECISION AND JUDGMENT OF THE COURT.

DATED:  day of April, 2016

  
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HON. DENNIS F. BENDER  
Acting Supreme Court Justice

