

<b>State of N.Y. ex rel. v Bartlett</b>
2016 NY Slip Op 32559(U)
December 28, 2016
Supreme Court, Seneca County
Docket Number: 50705
Judge: Dennis F. Bender
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STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SENECA

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The State of New York, on relation of

RODNEY MATTHEWS  
DIN # 14-R-1830

Petitioner

DECISION AND  
JUDGMENT

Index No. 50705

-against-

RICKEY BARTLETT, SUPERINTENDENT OF  
WILLARD DRUG TREATMENT CAMPUS; and  
the CHAIRPERSON OF THE NYS BOARD OF  
PAROLE,

Respondents

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The relator, Rodney Matthews, filed a petition for a writ of habeas corpus, alleging he was not transferred in a timely manner following his final parole revocation hearing which resulted in him being revoked on parole but restored subject to successful completion of the Willard Drug Treatment Campus Program. Based upon the petition, it appears the petitioner's parole was revoked and he was restored to parole supervision on September 20, 2016. On October 3, 2016, he was transferred to a DOCCS correctional facility and thereafter was transferred to the Willard Drug Treatment Campus on October 18, 2016. The Petitioner failed to attach a copy of the mandate forming the basis for his current hold as required by statute.

The Petitioner's references to CPL 410.91 are misplaced, as he is a parole violator, not a judicially sentenced parolee. In accordance with this Court's Decision dated May 15, 2006, in People ex rel. Michael Johnson, et al., this Court finds that the petitioner was in fact transferred to the Willard Drug Treatment Campus in a timely manner, that being within 40 days, and therefore, he is not entitled to writ relief on this basis.

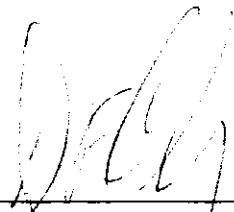
The Petitioner also complains that he was wrongfully induced into waiving his preliminary parole revocation hearing. He does not show he exhausted his administrative remedies by administratively appealing the final parole revocation determination. In any event, the same does not show his entitlement to immediate release, as he does not indicate if he preserved this issue at the final parole revocation hearing.

Based upon the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED, that the petition is in all respects denied and dismissed, without costs beyond the initial filing fee.

THIS CONSTITUTES THE DECISION AND JUDGMENT OF THE COURT.

DATED: 28<sup>th</sup> day of December, 2016



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HON. DENNIS F. BENDER  
Acting Supreme Court Justice