

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

710

CA 18-01428

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF BRIAN HUNT,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK
STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY
SUPERVISION, RESPONDENT-RESPONDENT.

BRIAN HUNT, PETITIONER-APPELLANT PRO SE.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF
COUNSEL), FOR RESPONDENT-RESPONDENT.

Appeal from a judgment (denominated order) of the Supreme Court, Erie County (Christopher J. Burns, J.), entered June 19, 2018 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: Petitioner, a pro se prison inmate, commenced this CPLR article 78 proceeding seeking to annul the determination of respondent denying petitioner's request for disclosure pursuant to the Freedom of Information Law (Public Officers Law art 6) of parole records pertaining to another inmate, who testified against him at trial. Contrary to petitioner's contention, Supreme Court properly dismissed his petition. The records were exempt because their disclosure "would constitute an unwarranted invasion of personal privacy" (Public Officers Law § 87 [2] [b]; see 9 NYCRR 8000.5 [c] [2]) and "could endanger the life or safety" of the other inmate (§ 87 [2] [f]; see *Matter of Carty v New York State Div. of Parole*, 277 AD2d 633, 633-634 [3d Dept 2000]).

Entered: July 31, 2019

Mark W. Bennett
Clerk of the Court