Pro Se

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New York Courts Continue to Uphold Plain Language of HALT

Adding to already reported HALT wins in *Fuquan F. v. D.F.M. III*, 87 Misc.3d 589 (Sup Ct Albany Co June 18, 2024); *Matter of Walker v. Commissioner, NYS DOCCS*, 241 A.D.3d 1 (3d Dept. 2025); and *Peterkin v. NYS Dept of Corrections and Community Supervision*, 242 AD3d 26 (3d Dept 2025), are several recent decisions demonstrating that as HALT related cases make it through the judicial system, New York State judges are in fact applying the plain language of the HALT Act that prohibits prolonged SHU penalties.

The HALT Act went into effect in 2022. The Act limits the duration of segregated confinement penalties for most rule violations to three days or six days in any thirty-day period. Extended segregated confinement, that is confinement exceeding three days or six days in any thirty-day period, may only be imposed for very serious offenses that are defined in Correction Law 137 (6)(k)(ii).

The Claimant in *Suarez v. State of New York,* 87 Misc.3d 1236(A) (Ct of Claims November 7, 2025), brought a Court of Claims action for wrongful confinement. Although the Court did not find any due process violations that would merit reversal of the hearing, it did find that Claimant had established through credible testimony and documentary evidence that he was confined in SHU for 45 days in the absence of the required findings by the hearing officer of the dangerousness or seriousness of the underlying facts supporting the smuggling charge. The Court therefore found that Claimant's confinement exceeded the limits authorized by Correction Law 137 (6)(k)(i).

The State moved to dismiss, which the Court denied. Although disciplinary hearings "constitute discretionary conduct of a quasi-judicial nature for which the State has absolute immunity," such immunity may not be warranted if the State exceeds its scope of authority or violates the law. Here, the Court found that the Claimant's 45-day SHU penalty exceeded – without legal justification – the six days allowed by HALT and awarded Claimant $50 for each day after six spent in SHU.

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In *Matter of Shaw v. Martuscello,* 2025 WL 3235855 (3d Dept 2025), the Third Department also considered Petitioner's disciplinary penalty in light of HALT. Notwithstanding the Court's finding that the underlying charges *were* supported by substantial evidence, the Court agreed with the Petitioner (and as conceded by Respondent) that the record lacked the findings required to subject the Petitioner to segregated confinement in excess of three days.

Quoting *Walker,* the Third Department ordered annulment of the penalty and remittal for assessing a penalty consistent with HALT because "enduring consequences potentially flow from [this penalty] remaining on petitioner's institutional record."

Interestingly, in *Matter of Spencer v Martuscello*, 2025 NY Slip Op 06948 (3d Dept 2025), the Third Department not only addressed the length of penalty, but also representation under HALT. Petitioner argued that DOCCS violated Petitioner's right to representation when a telephone conversation with his attorney was **inadvertently** (by mistake) "picked up by the hearing recorder."

Although not specifically explained, presumably, Petitioner and his representative, who appeared by telephone, intending to have a confidential conversation, discussed hearing strategy and facts immediately before or after the hearing on the same telephone and room used for the hearing.

At the next hearing appearance, the hearing officer acknowledged that the conversation might have been recorded, but testified that he did not review the recording and deleted it on Petitioner's request. The hearing officer offered Petitioner the opportunity to restart the hearing with a new hearing officer, which Petitioner declined.

The Third Department found that in these circumstances, Petitioner had failed to identify how the recording violated his due process or right to representation. Further, the Court found that Petitioner waived his impartial hearing objection when he declined the remedy of restarting the hearing with a new hearing officer.

With respect to the Petitioner's 270-day penalty for possessing a cell phone, possessing contraband, smuggling, and possessing unauthorized tools, the Court found that the charges were supported by substantial evidence. Notwithstanding such finding, the Court, quoting *Peterkin*, stated "[w]e again take this opportunity to remind respondent that 'hearing officers have no authority to disregard the HALT Act's statutory limitations and requirements by substituting their own judgment and imposing penalties beyond those which the law allows – for whatever reason.'"

Although Petitioner had served his time, in order to ensure the accuracy of Petitioner's institutional records the Third Department **remitted** (sent back) the hearing to DOCCS for reassessment of a penalty consistent with HALT.

Like *Matters of Shaw* and *Spencer* above, *Matter of Baher v. Rodriguez,* 2025 WL 3671845 (3d Dept 2025) rejected Petitioner's substantial evidence and due process arguments. The Third

Department once again took the opportunity to annul the 30 day SHU penalty because it was not supported by the findings required by HALT prolonged confinement and ordered the matter remitted for a penalty in line with the statute. Quoting *Peterkin*, the Court stated that "this 'unlawful practice' must cease."

Finally, in *Matter of Wingate v. Martuscello,* 2025 WL 3671818 (3d Dept 2025), Petitioner Wingate challenged the hearing officer's exclusion of Petitioner's attorney from the disposition phase of the hearing. The Court held that the right to representation extends to the penalty phase, so that the representative has an opportunity to raise objections to the unlawfulness of the penalty under HALT.

The Court found that although expungement was not required because the charges were supported by substantial evidence and the right to counsel in this context is *not* a fundamental due process right, and considering that Petitioner had served his penalty, reversal for rehearing was not merited. For these reasons, the Court annulled and expunged the charges.

For information about Court of Claims, Article 78 proceedings or HALT, write to the PLS office that provides legal services to individuals incarcerated at the prison from which you are writing and request the memos: "Lawsuits in New York State Court of Claims," "Drafting and Filing an Article 78 ," or "HALT Limits on Confinement Sanctions."

Moses Suarez represented himself in the Court of Claims.
PLS represented Robert Shaw in the Article 78 petition.
Devonte Smith represented himself in the Article 78 petition.
Martin Baher represented himself in the Article 78 petition.
Stephanie Panousieris of Rickner PLLC represented Shakur Wingate in the Article 78 petition.

Our Albany Office has moved.

Mail requests for legal assistance (or letters concerning already open cases) to this address:

Prisoners' Legal Services of New York
50 Beaver Street, 5th Floor
Albany, NY 12207

For requests/letters related to the Immigration Unit, mail to:

Prisoners' Legal Services of New York
41 State Street, 8th Floor
Albany, NY 12207

PLS – 50 Years Strong: Why PLS Matters Now More Than Ever

A Message from the Executive Director, Karen L. Murtagh

Every January gives us a moment to pause, a moment to look back at where we've been and to consider where we need to go. This year, that reflection feels even more powerful as we look toward 2026, the 50th anniversary of Prisoners' Legal Services of New York.

In 1976, PLS was created because the State recognized something essential: after the Attica uprising, the bloodiest prison rebellion in U.S. history, New York needed an independent organization to stand with people inside its prisons. Attica exposed a simple truth that has never changed: when prisons operate behind closed doors, abuses fester in the shadows. PLS began as a small but determined effort to bring light into a world too often hidden from view, demand accountability, make sure the Constitution didn't stop at the prison gate, and ensure that people inside had meaningful access to the courts.

Today, our work continues in that same spirit – but the challenges remain. Recent reporting on murders in prison by corrections staff, failed medical care resulting in preventable deaths, and entire blocks of people locked in their cells instead of receiving programs or treatment, reminds us that progress inside prisons is fragile and can disappear overnight. All it takes is a staffing crisis, a lockdown, or something like the wildcat strike last winter to send conditions spiraling.

The challenges may look different than they did in 1976, but the core problem is the same: without legal representation, without a window to the outside, incarcerated people are too easily brutalized, mistreated, overlooked, or ignored. And without oversight, and more importantly, accountability, a prison – any prison – can slide backwards.

That is why PLS's work remains so essential. We are here to keep shining a light into a closed world, to make sure the hard-won gains of the last 50 years are not erased overnight. But, as we face these challenges, one thing has become painfully clear:

PLS cannot meet the needs of the incarcerated population without the resources to do so.

Every year, we respond to thousands of letters and requests for help. And every year, we are forced to turn away meritorious cases – not because they lack importance, but because we simply do not have the staffing to take them all on.

So, if New York State is serious about prison reform, oversight and accountability, there is **one tangible action that would make a real difference: adequately fund PLS.**

Increased funding will allow PLS to continue its current work and:

- **Create a Rapid Response Brutality Unit** that will respond to serious brutality allegations **within 36 hours** by conducting immediate legal visits with the injured individual, photographing and documenting injuries, interviewing witnesses and requesting evidence preservation;

- **Expand PLS'** pilot **Disciplinary Representation Unit** to extend representation to individuals in additional correctional facilities, ensuring the HALT Act's promise is realized; and
- **Expand PLS' Pre-Release and Reentry Program** to all counties across New York State to advance the State's goals of reducing recidivism, stabilizing communities, and strengthening family reunification.

Without adequate support, even the most committed advocates can only do so much. With proper funding, the impact – on safety, fairness, dignity, and rehabilitation – will be profound.

As we look back on 50 years of achievements, we also look forward. We urge our lawmakers to remain committed to justice, the rule of law and the protection of human rights for everyone behind bars and beyond. And we urge them to provide PLS the resources necessary to secure those rights. Together, we can ensure that the next 50 years of PLS are even stronger, more impactful, and more transformative.

PRO SE VICTORIES!

***Matter of Zabeeda Permaul v. Russell et al.*, Index No. 6728-25 (Supreme Ct Albany Co. Nov 5, 2025).** Zabeeda Permaul filed this Article 78 challenging a Tier II hearing in which she was found guilty of violating the rule prohibiting Property in an Unauthorized Area. The original ticket also charged her with Contraband, Smuggling, and Vandalization/Possession of Stolen Property, but the hearing officer found her not guilty of those charges.

Ms. Permaul's ticket arose during the strike while she was housed in the Earned Housing Unit (EHU) at Bedford Hills. Ordinarily, EHU residents have access to a kitchen to warm their meals, but due to the strike, all EHU residents were locked in their cells.

One officer, familiar with EHU privileges, circulated hot plates for EHU residents to use since they were all locked in. Ms. Permaul received one of the hot plates, but she noted in her petition that she did not specifically request it. The next day, a different officer, noticing that hot plates were missing from the kitchen, notified his area supervisor, who authorized cell searches for the missing hot plates. Before the search began, Ms. Permaul gave the hot plate to security staff.

Ms. Permaul filed an Article 78 challenging the determination of guilt for the charge of Property in an Unauthorized Area. In her reason for disposition, the hearing officer wrote that hot plates were not allowed in cells. In Ms. Permaul's petition, she challenged the determination of guilt, arguing that she was authorized to possess the hot plate because an officer gave it to her while she was locked in her cell and thus did not violate any rule.

The petition also challenged the classification of the incident as a Tier II. Ms. Permaul quoted a December 2014 memo to all Superintendents stating a presumption that all hearings be held at the lowest possible tier. Ms. Permaul's charges were eligible for Tier I status and as she alleged,

this was her first ticket in over nine years, there was no basis for categorizing the offense as a Tier II.

After filing, the Office of the Attorney General communicated that Ms. Permaul's charge had been administratively reversed. On November 5, 2025, the Court dismissed the proceeding.

Pro Se Victories! *features summaries of successful pro se administrative advocacy and unreported pro se litigation. In this way, we recognize the contribution of pro se jailhouse litigants. We hope that this feature will encourage our readers to look to the courts for assistance in resolving their conflicts with DOCCS. The editors choose which unreported decisions to feature from the decisions that our readers send us. Where the number of decisions submitted exceeds the amount of available space, the editors make the difficult decisions as to which decisions to mention. Please submit copies of your decisions as Pro Se does not have the staff to return your submissions.*

STATE COURT DECISIONS

Parole

Lack of Corroborating Evidence Defeats Parole Revocation

To support a charged violation of the conditions of parole, the Less is More Act (LIMA) requires "clear and convincing evidence" that the alleged conduct violated the conditions of release *in an important respect*. The Appellant in *Matter of Smith v. NYS DOCCS,* 86 Misc.3d 1261 (A) (Elmira City Ct August 25, 2025), argued that the evidence supporting the violation charges was based on video evidence that was admitted without a proper **foundation** or **authentication** (procedures to establish the source and validity that the evidence is what it purports to be) and that he was denied the opportunity to cross examine the hearsay testimony of adverse witnesses without a good cause finding.

The alleged victim was scheduled to testify at the Appellant's revocation hearing but did not attend. At the hearing, the Respondent introduced video for which there was no support for its authenticity. The parole officer admitted to having no independent knowledge of the video's accuracy from where, by whom or when it was taken; or even that the sender of the video was who she purported to be.

The Administrative Law Judge also admitted the investigator's report as a business record even though contained hearsay accounts about another complaint that identified the Appellant.

The Court found that in the absence of the witness – who had failed to appear at the hearing – no one at the hearing had personal knowledge about the basis for the alleged violation. As a result, the Court found that the revocation finding was based on a "total lack of corroborative evidence."

For information about parole revocation proceedings, write to the PLS office that provides legal services to individuals incarcerated at the prison from which you are writing and request the memos: "Parole Revocation Proceedings and Related Sentence Computations."

George F. Hildebrandt, Syracuse, NY represented Appellant in this parole revocation appeal.

Warrantless Search of Cell Phone is Permissible if Related to Parole Special Need

United States v Smurphat, 2025 WL 2836664 (2d Cir Oct. 7, 2025), concerns a federal criminal appeal of a plea agreement. In taking his plea, the Defendant preserved for challenge his motion to suppress the search of his cellphone, which led to the newly charged crimes.

At the time of his federal arrest, Appellant was on New York parole with parole conditions that included "search and inspection" and cooperation with "unannounced examinations directed by the parole officer of any and all computer(s) and/or other electronic device(s)."

When parole officers entered his residence early one morning, they saw a phone next to him. Appellant provided the password, and the officers found incriminating material that formed the basis of the federal charges.

The Court recognized that parole officers do not have "boundless authority to conduct warrantless searches," but any search must be reasonably related to her/his duties. Here, the Court found that the officer's search of the phone was to detect parole violations. Because mere possession of the cell phone violated the Appellant parole conditions, the officers had reason to believe he was violating his parole conditions by his use of the phone.

Drawing a stark distinction between the legitimacy of the search of Appellant's cell phone to investigate potential violations of his parole versus searches of cell phones outside of the special needs doctrine, the Court specified, "[o]ur answer to the question of what police must do before searching a cell phone seized incident to an arrest is … simple—get a warrant."

Accordingly, the Court affirmed the district court's denial of Appellant's motion to suppress.

Murray Law LLC, New York, NY represented Appellant in this appeal.

Sentence & Jail Time

Time in DOCCS Custody Credited as "Jail Time" Against Remaining Sentence

Albany County Supreme Court recently addressed a novel issue regarding "jail time" credit under Penal Law §70.30(3) for time spent in DOCCS custody following reversal of a criminal sentence on appeal. The Court held, under certain circumstances, a person must be provided with jail time credit for pre-sentence time spent in DOCCS custody, rather than a local jail.[1]

In March 2018, Petitioner in *Matter of Fishbein v. Martuscello*, Index No. 906276-25 (Sup. Ct. Albany Co., November 3, 2025), received a 5-year determinate sentence in Manhattan. At that time, he was also subject to a securing order on pending charges in Queens. He was transferred to DOCCS custody in April 2018 to begin serving the Manhattan sentence while the Queens charges were still pending. He eventually received a 10-year consecutive sentence in the Queens case in October 2018, having already served six months in DOCCS custody on the Manhattan sentence.

The Appellate Division reversed the Manhattan conviction and remanded for a new trial. On remand, Petitioner pled guilty to a misdemeanor and received a definite sentence of 364 days.

Petitioner then sought to have the 6-month period he spent in DOCCS custody on the Manhattan conviction credited to his 10-year Queens sentence. He argued that his original 5-year sentence on the Manhattan charges ceased to exist once it was reversed by the Appellate Division, so the relevant 6 months in DOCCS custody were now solely due to the charges underlying his Queens sentence—and therefore available as jail time credit against that sentence.

DOCCS responded that Petitioner was "not entitled to the credit between the commencement of a prior vacated sentence and the sentencing date of the sentence that remains after vacatur," as "there is no vehicle in the law to credit a person with time that he was not incarcerated by virtue of his current sentence."

The New York City Department of Correction (NYC DOC), meanwhile, refused to certify additional jail time against the Queens Co. sentence, claiming that NYC DOC did "not have authority to certify state custody time" because only "DOCCS has jurisdiction over the calculation of the sentence."

The Petitioner filed an Article 78 petition naming the commissioners of both DOCCS and NYC DOC as Respondents. The petition sought, in relevant part, to compel DOCCS to credit his Queens sentence with the six months he spent in DOCCS custody before the Queens sentence was imposed. The Court ultimately granted that portion of the petition and ordered DOCCS to recalculate the release dates from Petitioner's Queens Co. sentence and credit him with the six months he spent in DOCCS custody between April and October 2018.

In reaching its decision, the Court first noted that the six months at issue were clearly spent "in custody," and occurred "prior to the commencement of" the Queens sentence—two of the core requirements for jail time credit under Penal Law §70.30(3). Citing *Matter of Guido v. Goord*, 1 NY3d

345, 349 (2004) and the text of the statute itself, the Court held it was immaterial the time was spent in DOCCS custody, rather than local custody, as §70.30(3) "does not contemplate the place of detention as a factor [DOCCS] should consider when computing jail time credit."

Because the Petitioner failed to post bail on his Queens charges and was thus subject to a securing order on the Queens case throughout the time he spent in DOCCS custody, the Court also found that the six months at issue were "a result of the charge that culminated" in the Queens sentence.

Finally, the Court held that the relevant period was not "credited against the term" of any previously imposed sentence, as the original five-year sentence on the Manhattan charges had been vacated in its entirety by the Appellate Division. The subsequent misdemeanor sentence imposed on remand was deemed to have commenced on the date of the sentence it replaced. The misdemeanor immediately "merged with and was satisfied by" the Petitioner's service of the Queens sentence.

Because each of the requirements for jail time credit under Penal Law §70.30(3) were met, the Court determined that the Petitioner was entitled to credit against his Queens sentence for the six months he originally spent in DOCCS custody under the reversed Manhattan sentence. To PLS's knowledge, this case reflects the first time a court has confirmed that jail time cannot be denied merely because someone spent qualifying pre-sentence time in DOCCS custody.

Fn1: As relevant here, the law provides that the term of sentence "shall be credited with and diminished by the amount of time the person spent in custody prior to the commencement of such sentence as a result of the charge that culminated in the sentence." Penal Law § 70.30(3).

The Legal Aid Society's Criminal Appeals Bureau represented the Petitioner in this case.

DOCCS Ordered to Disclose FOIL'ed Body Scan Image

In *Matter of the Application of Belinda Fisher v. NYS DOCCS,* Index No. 905516-25 (Sup. Ct. Albany Co., October 10, 2025), the Petitioner attempted to visit a loved one in DOCCS custody. She was screened by the TEK 84 body scanner. According to a visit suspension letter that she later received, the image showed "an anomaly indicating the presence of contraband."

Petitioner made a FOIL request for the body scan image. Respondents denied her request citing Public Officers Law 87(2)(f), the exemption that allows agencies to withhold records that if released "could endanger the life or safety of any person," and subsection 87(2)(e)(iv), the exemption for nonroutine law enforcement procedures.

Petitioner argued that the basis for the denial was "conclusory, speculative and unjustified." The scanner, Petitioner continued, is a "common security screening device," that is common in everyday life, and not an investigatory technique. Petitioner asserted that disclosure of *her* image

would not reveal how the scanner operates or staff training to interpret the scan, and that the manufacturer's contraband detection information is available for public view on the internet.

Respondent argued that release of the image could lead to targeted concealment of contraband. In reply, Petitioner noted that Respondent failed to support its conclusory assertions with any statements from individuals who had knowledge of the equipment or the Petitioner's scan.

The Court agreed that the Respondent's denial was **conclusory** (not supported by facts) and was not supported by any specific factual foundation to demonstrate that the scanner was nonroutine or that a single scan could aid visitors wishing to introduce contraband.

The Court rejected Respondent's likening disclosure of this image to other records that have been held to be exempt, namely, canine training, kits and notations used to develop suspect sketches, or a manual used for internal investigations. The Court distinguished that such materials, if available to the public, could help one evade detection and were clearly records that would reveal nonroutine techniques or procedures.

The Court ordered Respondent to disclose the body scan image to the Petitioner and directed Petitioner to submit proof of legal expenses for a fee award.

For information about the Freedom of Information Law and Article 78 challenges to FOIL denials, write to the PLS office that provides legal services to individuals incarcerated at the prison from which you are writing and request the memos: "Access to Records" and "Drafting and Filing an Article 78."

Marc Cannan of Beldock Levine & Hoffman, LLP represented Belinda Fisher.

DOCCS Cannot Apply for Court Ordered Psychiatric Medication for Individuals Who Are Not in DOCCS Custody

Approximately one week prior to the date on which K.C. was scheduled to leave state custody, the Superintendent of K.C.'s facility petitioned the local court for an order requiring assisted outpatient treatment (AOT) or court ordered psychiatric medication administration. The local court ordered AOT, and the next day K.C. was released and returned to New York City.

K.C. petitioned the court to vacate this order arguing that the Superintendent could not petition for AOT, but his motion was denied. He filed a new petition in New York City where he resided and the City of New York defended his challenge to the AOT order. In *K.C. v. Wright*, 2025 WL 3097217 (Sup Ct NY Co October 20, 2025), the Court agreed that DOCCS could only petition for individuals in prison, and that the facility Superintendent was not an authorized applicant under Mental Hygiene Law. However, because the term of the AOT was complete the petition was moot.

K.C. represented himself in this petition for review.

Improper Admission of Rap Song Deprived Defendant of a Fair Trial

At trial, the prosecution in *People v Reaves*, 240 NYS3d 481 (2d Dept 2025) introduced a recording of a rap that Defendant and another person wrote while they were at Rikers Island. Defendant performed the rap over recorded phone calls from the jail. The prosecution argued that the recordings were admissible as admissions and as statements of prior knowledge. The Court ruled that the recording could be admitted as evidence so long as an expert qualified in slang could testify to interpret the lyrics for the jury.

The prosecution produced an investigator who had never been qualified as an expert in street slang and testified that he was familiar with *some* of the terms used in the song through his work as an investigator. Defendant argued that the expert was not qualified to decode rap lyrics, and the Second Department agreed.

The investigator testified that he attended training about gang lingo, but, as the Court noted, the case did not involve gang activity. He testified that he interpreted rap lyrics using 'common sense,' and testified to a variety of possible interpretations of these specific lyrics, with many solely serving the prosecution's theory of the case.

Additionally, as interpreted by the People's "expert," the song lyrics described crimes that were not involved in Defendant's case (for example, suggesting that his case was actually murder for hire or that he stole credit cards).

As the rap lyrics were the only direct evidence of the Defendant's mental state before the shooting, and the investigator was not a qualified expert to explain the lyrics, the Court held the rap lyrics should not have been admitted into evidence.

The Court reversed the judgment and remitted for a new trial.

For information about the Criminal Appeal process, write to the PLS office that provides legal services to individuals incarcerated at the prison from which you are writing and request the memos: "Process of Appealing a Criminal Conviction.

David Fitzmaurice and Jenner & Block LLP represented Idrissa Reaves in this appeal.

FEDERAL COURT DECISIONS

Defendants in Challenge to Administratively Imposed PRS Are Not Entitled to Qualified Immunity

Santiago v. Fischer, 158 F.4th 397 (2d Cir 2025), presents another chapter in a very long legal battle concerning the remedies for administratively imposed Post-Release Supervision (PRS). These cases stem from the period of time when sentencing courts imposing determinate terms frequently failed to order on the record the statutorily required term of post release supervision. DOCCS attempted to remedy these illegal sentences by imposing terms of PRS administratively.

In 2006, the Second Circuit held that due process requires a state court, at sentencing, to make an oral pronouncement of any term of post-release supervision, and that DOCCS did not have jurisdiction to modify the sentence and impose PRS without court involvement. However, DOCCS also lacked authority to refer cases to state court for resentencing and local prosecutors were resistant to correcting sentences where the judge did not pronounce the PRS term.

Although DOCCS added Plaintiff's PRS term in 2004, the Defendants argued that he had been aware that his sentence included PRS during his plea hearing. Because the Second Circuit clearly directed DOCCS to change its practices in 2006, but DOCCS did not do so for some time, the Court found that the Defendants were not entitled to qualified immunity when Plaintiff was released in 2007 with DOCCS-imposed PRS.

The Court was unpersuaded by Defendants' argument that Plaintiff was aware that he faced PRS because ultimately the term was not imposed by the sentencing judge. Recognizing that DOCCS did not have authority to refer cases for resentencing, the Court continued, such factors are relevant to causation and damages, but not to qualified immunity.

The Court remanded the case to the district court to allow for a new trial at which Defendants would be permitted to introduce evidence of impediments to DOCCS' correction of illegal sentences.

Defendants Entitled to Qualified Immunity Defense in Gender Dysphoria 8th Amendment 1983

The Plaintiff in *Clark v. Valletta,* 157 F.4th 201 (2d Cir 2025), a transgender woman incarcerated in Connecticut, is serving a 75-year sentence without the possibility of parole. She brought this Eighth Amendment Section 1983 action alleging that when Defendants failed to provide her with effective hormone therapy and gender affirming surgery, they were deliberately indifferent to her serious medical needs. The district court granted summary judgement to Plaintiff. Defendants appealed.

Plaintiff expressed significant mental health distress related to the **incongruence** (mismatch) between her physical characteristics and her identity as a woman, resulting in her engaging in serious acts of self-harm.

With the exception of a period of one year, the prison system provided the Plaintiff with hormone treatment. However, this treatment was ineffective at lowering her testosterone levels. And, while the Defendants provided her with counseling, it was not specific to gender dysphoria. She repeatedly expressed her need for surgery, to which the prison responded that her request was on a list to be evaluated.

The Court first reviewed opinions from the parties' respective experts, neither of whom supported the position that surgery is *always* indicated where someone suffers with gender dysphoria; although, Plaintiff's expert believed that she was in the "subset" of individuals for which surgery would be required. Defendant's expert, however, concluded that the Plaintiff was not fit for surgery because she had unrealistic expectations about what surgery could achieve (e.g., her belief that in other countries, doctors could create a functioning uterus).

Turning next to Defendants' qualified immunity defense, the Court stated that in deliberate indifference cases, "a right must be sufficiently clear that every reasonable official would have understood that what he is doing violates that right." The Second Circuit found that the district court erred in defining the right at issue too generally, as "the right to be free from deliberate indifference to serious medical needs" instead of the right to gender affirming care.

The Second Circuit rejected Plaintiff's argument that the broader right to be free from deliberate indifference to a serious medical need applies in qualified immunity defenses. In analyzing Plaintiff's cited cases, the Court found that total inaction on an obvious hazard, for example, asbestos exposure, or misleading, ineffective and negligible treatment on a known medical condition were not **analogous** (similar) to this situation.

The prison system provided Plaintiff with mental health counseling and medication, the opportunity to purchase gender affirming underwear, and hormone therapy. Thus, the Court found that particularly bad cases of inaction could not have put reasonable officials on notice that their efforts to provide care for this Plaintiff violated the Constitution.

Similarly, the Court rejected Plaintiff's argument that the Second Circuit had established "a right to be free of chronic and substantial pain that is important and worthy of comment or treatment." In *Collymore v. Myers*, 74 F4th 22, 30 (2d Cir 2023), the Court used that language as a basis for concluding that the plaintiff's scalp condition was an objectively serious condition, not that the defendants' failure to treat the scalp condition was deliberately indifferent. But here, the Court continued, Defendants do not dispute the seriousness of the Plaintiff's condition. Rather, they challenge the district court's conclusion that their treatment of the Plaintiff's gender dysphoria clearly violated the Eighth Amendment.

The Court reviewed decisions in gender dysphoria cases across various circuits that granted qualified immunity but declined to follow the Ninth Circuit which found deliberate indifference for denying sex-reassignment surgery. *Edmo v. Corizon, Inc.,* 935 F.3d 757 (9th Cir. 2019). The Court found that there is no "clearly established right to a specific course of gender-dysphoria treatment, including hormone therapy and sex-reassignment surgery."

The Court also rejected the argument that Plaintiff's care was so obviously deficient or that Defendants failed to take any steps to mitigate the risk to the Plaintiff, which would overcome Defendants' qualified immunity. On review, the Court found that the Defendants provided care, and to the extent that the care was not sufficiently specialized for her needs, the Court stated that lack of specialized care alone cannot support her deliberate indifference claim.

The Court reversed and remanded to the district court with instructions to grant Defendant's motion for summary judgment on qualified-immunity grounds.

In a lengthy dissent in part, Circuit Judge Robinson notes that the Plaintiff was denied any care for approximately a year after an instance in which the Plaintiff attempted self-castration. The dissent disagreed with the majority's qualified immunity analysis through the lens of the Plaintiff's specific diagnosis and requested treatment. The dissent expressed that the standard *is* more general, i.e., whether medical providers knew that the Plaintiff was suffering from a serious medical condition and whether they assessed and provided adequate care.

Here, the dissent argued that a jury could find that the medical providers were deliberately indifferent for the year Plaintiff spent without treatment, and thus not entitled to qualified immunity because it was not objectively reasonable for her medical providers to determine that such lack of care did not violate the Plaintiff's rights. The dissent cautions that with this decision, in order to pass qualified immunity, a Plaintiff must effectively show caselaw clearly establishing a right to the requested treatment, turning qualified immunity into absolute immunity.

For information about Medical Care and 1983 actions, write to the PLS office that provides legal services to individuals incarcerated at the prison from which you are writing and request the memos: "Medical Care Judicial Remedies" and "Section 1983 Civil Rights Actions."

Civil Liberties Foundation of Connecticut, Krieger Lewin LLP, and Finn Dixon & Herling LLP represented the plaintiff in her Second Circuit appeal.

What a Plaintiff May Introduce at an Excessive Force 1983 Trial

In *Holley v. Spinner, et al.,* 2025 WL 2410372 (NDNY Aug. 20, 2025), the Plaintiff asserted that when the Defendants used excessive force on him, they violated his Eighth Amendment right to be free from cruel and unusual punishment. Prior to trial, both parties submitted motions *in limine* arguing for the exclusion of some evidence and admission of other evidence.

Among other requests, Defendants sought an order to **preclude** (exclude or not allow) Plaintiff's submission of evidence concerning:

- a conspiracy by the Defendants and/or DOCCS;
- Defendants' disciplinary histories, personnel files or other lawsuits; and
- Plaintiff's opinion testimony about his injuries.

With respect to the conspiracy evidence, the Court granted Defendants' motion because the Plaintiff never asserted a claim of conspiracy, but the Court agreed that Plaintiff should be permitted to present an argument or evidence that Defendants or others tried to cover up the excessive force.

The Court granted Defendants' motion to preclude the Defendants' personnel files, stating that such evidence would be irrelevant or outside the facts of this case, prejudicial and confusing for the jury. However, the Court would reconsider the ruling for prior misconduct or personnel record evidence introduced to prove a motive or intent or lack of accident *for this incident,* as required by Federal Rule of Evidence 404(b)(1).

Similarly, with respect to dismissed lawsuits against the Defendants (which concerned an incident that occurred a few hours before this excessive force, but was dismissed entirely) the Court would not allow Plaintiff to relitigate dismissed claims, but would allow mention of them as relevant to the context and background of the *specific incident at issue.*

The Court denied Defendants' motion that Plaintiff could not testify to his own injuries. Federal Rule of Evidence 701 prohibits testimony by non-expert witnesses on topics of specialized knowledge, e.g. medical. However, Rule 701 does not bar plaintiffs from testifying about their factual experiences of their own injuries.

The Court acknowledged that complex medical testimony may need expert testimony to draw the **nexus** (connection) between the injury and alleged cause. But here, the Court deemed Plaintiff's injuries – bruises, cuts, emotional injuries – were "within the jury's common experiences and observations" and did not require expert medical testimony to prove causation.

Nixon Peabody LLP Albany represented the Plaintiff in this Motion.

Factual Dispute Defeats Defendant's Dual Motivation Argument in Retaliation Case

The Plaintiff in *Kotler v Boley,* 2025 WL 2494289 (SDNY Aug. 29, 2025), brought this 1983 action alleging Office of Mental Health (OMH) staff had violated his First and Fourteenth Amendments rights. At the time of the incident, the Plaintiff was in OMH – not DOCCS – custody. The claims arose, the Plaintiff alleged, when OMH staff, acting on a report that the Plaintiff was advocating for other incarcerated people, searched his cell. During the search, staff found broken tweezers, and wrote a ticket accusing the Plaintiff of possessing a weapon, contraband, and an altered item.

After conclusion of discovery, Defendants filed for summary judgment. In support of the motion, Defendants asserted that regardless of any potential retaliatory motive for the Plaintiff's advocacy on behalf of other incarcerated individuals, Defendants had a "dual motivation." In other words, assuming Defendants had no retaliatory intent, Plaintiff's cell still would have been searched and he still would have faced sanctions for the tweezers in his cell.

The Court found that the dual motivation argument did not support granting summary judgment. Plaintiff had set forth a factual dispute as to whether the broken tweezers would typically result in disciplinary action. Acknowledging that Plaintiff's "testimony 'is a thin reed on which to rest [his] case, … and not 'wholly improbable,'" nonetheless, he raised a genuine issue of material fact that merited denial of the motion for summary judgment.

Kerry Kotler represented himself in this 1983 action.

IMMIGRATION MATTERS

Nicholas Phillips

In *B.G.S. v. Bondi*, 2025 WL 3264346 (2d Cir. 2025), the Second Circuit settled an issue which has long confused the immigration court system, namely, the extent to which a government must **acquiesce to (accept)** a noncitizen's mistreatment, such that the noncitizen warrants relief from deportation pursuant to the Convention Against Torture ("CAT").

To understand *B.G.S.*, some background is required. In deportation proceedings, which take place in immigration court before an immigration judge ("IJ"), a noncitizen may seek to avoid deportation by asserting a fear of returning to their home country. To do so, the noncitizen must first submit a Form I-589 application explaining why they are afraid to return.

That application encompasses three separate but related forms of relief from deportation. The first and most widely known form of relief is asylum, which protects noncitizens who establish a "well-founded fear of persecution." 8 U.S.C. 1101(a)(42). The second form of relief, withholding of removal, imposes a higher burden of proof, requiring that the noncitizen prove that it is "more likely than not" that he or she will suffer persecution. *Vanegas-Ramirez v. Holder*, 768 F.3d 226, 237

(2d Cir. 2014). The main difference between asylum and withholding of removal is the submission deadline (asylum within one year of arriving, withholding of removal has no deadline).

The third form of relief, the one at issue in *B.G.S.*, is CAT protection. CAT is distinct from asylum and withholding of removal in two important ways. First, under the Immigration and Nationality Act, noncitizens are ineligible for asylum and withholding of removal if they have been convicted of certain crimes.

In contrast, CAT has no criminal bar, so a noncitizen can apply for CAT no matter what their criminal history. This is because CAT is ultimately a treaty entered into between nations in 1987, which reflects a global commitment "not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture." *Pierre v. Gonzales*, 502 F.3d 109, 114 (2d Cir. 2007).

The second difference is that both asylum and withholding of removal require the applicant to prove that they will suffer harm because of a protected ground, namely race, religion, nationality, political opinion, or membership in a particular social group. 8 U.S.C. 1101(a)(42). This requirement is often called "nexus" because a noncitizen must show a connection, or nexus, between the future harm and a protected ground.

CAT, on the other hand, has no nexus requirement. To be granted protection under the CAT, a noncitizen must show that he or she will suffer torture, which is defined as "severe pain and suffering . . . specifically intended" by the person inflicting harm. 8 C.F.R. 1208.18(a). While there is no requirement that the harm be inflicted for a specific purpose, there is a requirement as to the perpetrator: the harm must be inflicted either by a government actor, or by a private actor acting "with the consent or acquiescence of a public official or other person acting in an official capacity"—the "acquiescence" requirement at issue in *B.G.S.* 8 C.F.R. 1208.18(a)(1).

So what exactly is required to show that a government will "acquiesce" to harm? Federal regulations don't define "acquiescence," and so the immigration court system has long struggled to determine what level of government dysfunction meets that requirement. The court system's struggles are perhaps most obvious with respect to CAT claims involving noncitizens from El Salvador, Honduras, and Guatemala, who often fear harm at the hands of two major transnational criminal gangs, the MS-13 and Barrio 18, which have come to dominate the Central American region.

For CAT claims based on a fear of the MS-13 and Barrio 18, the feared harm would be inflicted by a private actor, namely a criminal gang member, so the question becomes: would the government acquiesce to that harm? This is a difficult question to answer given the lack of legal guidance on the acquiescence requirement, as well as the murky and often conflicting evidence regarding the various Central American governments' attempts to combat gang violence.

All of that brings us to *B.G.S.*, which concerns the removal proceedings of B.G.S., a Guatemalan man who was first recruited by the MS-13 when he was about eight years' old. When he attempted to escape the gang, an MS-13 leader named "Black Demon" issued a "greenlight" granting permission for any MS-13 member to kill him. B.G.S. moved to a town approximately 45 minutes away, but MS-13 members quickly found him, and he was badly injured after three MS-13 members attacked him with a machete. B.G.S. moved again, but this time Black Demon found him and shot at him, leaving him with two bullet wounds in his waist and abdomen. Later, a police officer who collaborated with the MS-13 shot at B.G.S., hitting him under his arm. As a result of these attacks, B.G.S. fled Guatemala in 2020.

In the United States, B.G.S. filed a Form I-589 application based on his fear of the MS-13, which was for CAT only because he had been convicted of assault in New York State. In his application, B.G.S. asserted that he would likely be arrested by the Guatemalan government if he was deported, and that he would likely be targeted for harm or death by the MS-13 in prison. He further argued that the harm he would suffer in prison would take place with the **acquiescence (acceptance)** of the government, citing evidence that the prison system was run by the MS-13.

The IJ denied his application, finding that the Guatemalan government did not specifically intend to maintain dangerous prison conditions, so CAT was not warranted. The Board of Immigration Appeals affirmed, finding that the Guatemalan prison system was a product of governmental negligence and so did not meet the standards for CAT protection.

The Second Circuit reversed and remanded in a divided decision, with Judge Sullivan dissenting. Judge Beth Robinson, writing for the two-judge majority, concluded that the agency erred by failing to consider "whether gang members would attack B.G.S. in prison and whether the Guatemalan officials would be aware of such persecution and acquiesce in violation of their duty to intervene." 2025 WL 3264346, at *7 (internal quotation marks and citation omitted).

As Judge Robinson noted, "[i]t's not enough to describe the risk of harm B.G.S. would face in prison as the product of 'negligence and lack of resources.' . . . Because that harm would arise from a serious threat of torture by third parties, rather than, say, challenging living conditions, the Agency was required to grapple with Guatemalan officials' duty to protect B.G.S. in prison and the implications of its inability to do so." *Id.*

The Court instructed the agency on remand to "consider whether the Guatemalan government's efforts to combat gang activities override both the complicity of other government actors and the general corruption and ineffectiveness of the Guatemalan government in preventing gang violence in prison." *Id.* at 8 (internal quotation marks omitted).

WHAT DID YOU LEARN?

Brad Rudin

1. **Which statement about the HALT Act is most accurate?**
   a. The Act prohibits all segregated confinement.
   b. The Act requires a jury trial as a condition for segregated confinement.
   c. The Act allows extended segregated confinement for any violation of prison rules.
   d. The Act prohibits extended segregated confinement except where specific findings are made.

2. **In *Suarez v. State of New York*, the Court of Claims ruled in favor of the claimant because DOCCS:**
   a. violated the Claimant's due process rights.
   b. failed to present credible testimony and documentary evidence.
   c. did not make a finding about the dangerousness of the Claimant or the seriousness of the charges.
   e. failed to come forward with any proof establishing that the Claimant was guilty of smuggling.

3. **In *Matter of Spencer v. Martuscello*, the Third Department sent the case back to DOCCS for additional proceedings because the hearing officer:**
   a. found the Petitioner guilty in the absence of substantial evidence.
   b. disregarded the HALT Act's statutory limitations on segregated confinement.
   c. failed to present the petitioner with the opportunity for a new hearing.
   d. did not allow the petitioner to consult a representative during the hearing.

4. **In *Matter of Smith v. NYS DOOCS*, the Elmira City Court ruled that a video recording may be admitted in a parole violation hearing if the recording is:**
   a. relevant to the charged rule violation and clearly establishes a parole violation.
   b. authenticated by a person who has independent knowledge of the accuracy of the recording.
   c. plainly the product of the DOCCS video system.
   d. the only source of proof presented by the parole officer or other witness called to testify at the hearing.

5. **In *Matter of the Application of Belinda Fisher v. NYS DOCCS*, the court ruled in favor of the Petitioner's FOIL request because DOCCS:**
   a. failed to respond in a timely manner to papers filed by the FOIL applicant.
   b. had no basis to deny a FOIL request pertaining to security-related material.
   c. did not present facts showing that a single scan could aid visitors intending to introduce contraband.
   d. could only deny FOIL requests if permission was granted in advance by the County Court in which the prison is located.

6. **Which principle of evidence law can be drawn from *People v. Reaves*?**
   a. A defendant's statements to others may be admissible as evidence of the defendant's state of mind.

b. A defendant's statements are admissible as to state of mind only if the statement is made to a police officer after *Miranda* warnings have been given.
c. A defendant's statements are never admissible to prove the defendant's state of mind.
d. A defendant's statements are always inadmissible under the rule against hearsay.

7. Which statement about a term of Post-Release Supervision [PRS] is true?

a. PRS may be imposed by DOCCS in any circumstance.
b. PRS may be imposed by DOCSS only if the sentencing court fails to do so.
c. PRS may be imposed by DOCCS if given permission by the Second Circuit Court of Appeals.
d. PRS may only be imposed by the sentencing court.

8. In *Clark v. Valletta*, the Second Circuit held that a claim of deliberate indifference to a medical need:

a. can never be established if prison officials fail to provide specialized medical care.
b. requires proof of specialized medical and psychiatric care.
c. does not necessarily require proof of an absence of specialized medical care.
d. never rests on the kind of medical care provided by prison officials.

9. In *Holley v. Spinner*, the trial court ruled that the Plaintiff would not be permitted to introduce:

a. his own account of the incident underlying his claim of excessive force.
b. his own testimony about the injuries he sustained.
c. evidence showing that the Defendants tried to cover up excessive force.
d. evidence that the Defendants conspired to use excessive force against him.

10. In *Kotler v. Boley*, the trial court declined to grant summary judgment for the Defendant on the ground that:

a. There was a genuine factual dispute as to whether possession of broken tweezers would result in disciplinary charges.
b. It was undisputed that no tweezers, broken or otherwise, were actually recovered from the Plaintiff's cell.
c. The Defendants' motion failed to address the issue of whether the Plaintiff had standing to sue.
d. The Plaintiff submitted an affidavit asserting that the tweezers had been planted by the Defendants.

Answers

1. d
2. c
3. b
4. b
5. c
6. a
7. d
8. c
9. d
10. a

PREP

PREP provides counseling and re-entry planning guidance for individuals who are within 6-18 months of their release date and returning to one of the five (5) boroughs of New York City or one of the following counties: Albany, Columbia, Dutchess, Erie, Genesee, Greene, Monroe, Montgomery, Niagara, Orange, Orleans, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Westchester or Wyoming. Individuals serving their maximum sentence should automatically receive an application by legal mail. Individuals who will be on parole are eligible only if they have served at least one prior prison sentence. Individuals convicted of sexual crimes and those on the sex offender registry are ineligible. Write to 10 Little Britain Road, Suite 204, Newburgh, NY 12550.

Your Right to an Education

For questions about access to GED support, academic or vocational programs, or if you have a learning disability, please write to: Maria E. Pagano – Education Unit, 14 Lafayette Square, Suite 510, Buffalo, New York 14203.

The Family Matters Unit

The Family Matters Unit of Prisoners' Legal Services of New York is a specialized unit that assists incarcerated parents with certain family law matters. The FMU assists parents whose county of conviction is *Albany, Bronx, Dutchess*, *Erie, Kings, Monroe, Nassau, New York, Onondaga, Orange, Queens, Richmond,* or *Suffolk*, or who have children currently living in one of those counties.

Family Matters Unit attorneys work with eligible incarcerated parents to prepare child visitation petitions, prepare child support modification petitions, access family court records, challenge denials of proximity to minor child transfer requests, and challenge prison disciplinary proceedings that result in interference with visitation or communication with minor children.

The goal of the Family Matters Unit is to be a resource for incarcerated parents, and help maintain family ties during the parents' incarceration. For parents who are subject to child support orders, the Family Matters Unit also helps to address one of the major barriers to successful reintegration – the accumulation of insurmountable debt because of child support arrears.

If you would like the assistance of the Family Matters Unit and you meet the eligibility requirements described above, please write to the Family Matters Unit at: Prisoners' Legal Services of New York, Family Matters Unit, 50 Beaver Street, 5th Floor, Albany, NY 12207.

CALL FOR SUBMISSIONS

HELP PRISONERS' LEGAL SERVICES CELEBRATE NATIONAL PRO BONO WEEK

National Pro Bono Week (October 25 – 31) is a time to celebrate and recognize the dedicated work of *pro bono* volunteers, as well as to educate the community about the many legal and other issues faced by people incarcerated in New York State prisons. PLS is happy to announce that this year we will again be celebrating National Pro Bono Week with an event highlighting our commitment to serving the incarcerated community.

This will be our 15th year celebrating National Pro Bono Week, and we will also be celebrating the 50th anniversary of PLS. In connection to these two momentous occasions, we are excited to announce we will be compiling a zine featuring artwork, poetry, and short stories created exclusively by people currently and formerly incarcerated New Yorkers. A zine is a self-published magazine centering around one subject matter and containing works created by a collective of individuals.

Inspired by 50 years of PLS, we are seeking artwork, poetry, and short story submissions that focus on the importance of legal representation for incarcerated people. Submissions can focus on, but do not have to be limited to, the following:

- *Why is civil legal representation for incarcerated people important?*
- *How has legal representation, or lack thereof, personally affected you during your incarceration?*
- *How has your experience with legal representation shaped you as a person?*
- *What do you hope to see from PLS in the future?*

This year, we are encouraging individuals to express themselves in the way they feel most comfortable, whether visually or in writing. Our goal is to give every incarcerated New Yorker a chance to contribute, express themselves, and have their voices heard. We are seeking writing and artwork from individuals with all levels of experience.

For art submissions, we are aware not everyone who is incarcerated has access to art supplies, and will be accepting submissions of all shapes and sizes, whether made with pen, pencil, or specialized art supplies. For written submissions, if you write in a language other than English, please feel free to send us a submission in your primary language, that is, the language in which

you are most comfortable expressing yourself. **Please limit written submissions to two pages in length**.

We will compile selected submissions into a zine, with the goal of distributing the zine in communities local to PLS offices, as well as within DOCCS. Additionally, some submissions will be displayed at our National Pro Bono Week celebration. Please note, submissions must be appropriate for all ages.

By sharing the artwork and written submissions of incarcerated people, we hope to educate the public, highlight the importance of access to legal representation for individuals in prison, and recruit attorneys to take cases *pro bono*, thus increasing access to justice for indigent incarcerated individuals across New York State. While we cannot guarantee that submissions will be included in our zine, we encourage all submissions and will do our best to integrate as many submissions as possible. PLS reserves the right to make editorial changes to submissions.

Submissions should be mailed to: Pro Bono Director, Prisoners' Legal Services of New York, 50 Beaver Street, 5th Floor, Albany, New York 12207, **no later than June 30, 2026.**

We regret we will not be able to return any submissions mailed to us, whether selected or not, due to the volume of submissions expected, as well as DOCCS mail policies.

Please note that contributing your submission for the pro bono event described above is not the same as seeking legal assistance or representation from PLS. If you are seeking legal assistance, you must write to the appropriate PLS office.

With your submission, please indicate yes or no for the following:

- I authorize PLS to publish my submission in their 2026 pro bono zine.
- I authorize PLS to display my submission at their 2026 pro bono event.
- PLS may use my real name in relation to my submission.
- I authorize PLS to use my submission on their website, in *Pro Se*, and/or for other informational purposes.
- My submission can be used again by PLS after the 2026 pro bono event.

Pro Se
114 Prospect Street
Ithaca, NY 14850

PLS OFFICES

Requests for assistance should be sent to the PLS office that provides legal assistance to the incarcerated individuals at the prison where you are in custody. Below is a list of PLS Offices and the prisons from which each office accepts requests for assistance.

PLS ALBANY OFFICE: 50 Beaver Street, 5th Floor, Albany, NY 12207
Adirondack • Altona • Bare Hill • Clinton • CNYPC • Coxsackie • Eastern • Edgecombe • Franklin • Gouverneur • Greene • Hale Creek • Hudson • Marcy • Mid-State • Mohawk • Otisville • Queensboro • Riverview • Shawangunk • Ulster • Upstate • Wallkill • Walsh • Washington • Woodbourne

PLS BUFFALO OFFICE: 14 Lafayette Square, Suite 510, Buffalo, NY 14203
Albion • Attica • Collins • Groveland • Lakeview • Orleans • Wende • Wyoming

PLS ITHACA OFFICE: 114 Prospect Street, Ithaca, NY 14850
Auburn • Cape Vincent • Cayuga • Elmira • Five Points

PLS NEWBURGH OFFICE: 10 Little Britain Road, Suite 204, Newburgh, NY 12550
Bedford Hills • Fishkill • Green Haven • Sing Sing • Taconic

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