

**Administrative Appeal Decision Notice**

**Facility:** Collins Correctional Facility

**Appeal Control #:** 10-235-06-B

**Inmate Name:** Price, Harry

**NYSID No.:** 4404827N

**Dept. DIN#** 94A0321

Appearances:

For the Division, the Appeals Unit  
For Appellant: Cheryl Kates Esq.  
P.O. Box 711  
Honeoye, New York 14471

Board Member(s) who participated in appealed from decision: **Crowe, Ortloff**

Decision appealed from: 10/2006-Denial of discretionary release, with imposition of 24 month hold

Pleadings considered:

Brief submitted by counsel for appellant received on March 23, 2007.  
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon:

Pre-Sentence Investigation Report, Inmate Status Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026).

**Final Determination:** The undersigned have determined that the decision from which this appeal was taken be and the same is hereby

Affirmed  Reversed  Modified (explain) \_\_\_\_\_

Christina Howard  
Commissioner

Ms. Crowe  
Commissioner

Debra Thomas  
Commissioner

*If the Final Determination is at variance with findings and recommendation of Appeals Unit, the written reasons for such determination shall be annexed hereto.*

This Final Determination, the related Statement of the Appeals Unit's Findings and separate findings of the Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 8/20/07 JP

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File

**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** Price, Harry  
**NYSID No.:** 4404827N  
**Dept. DIN#:** 94A0321

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**Findings:**

Counsel for the appellant has submitted a brief to serve as the perfected appeal. The brief raises many issues. However, for the reason that follows, only one issue raised will be addressed.

One of appellant's claims is that the Board did not review his sentencing minutes.

In response, appellant is correct that the Board did not review his sentencing minutes-which are mandatory. Counsel for the appellant has now furnished the Board with the sentencing minutes. As such, a de novo interview should be held.

**Recommendation:**

Accordingly, it is recommended the decision of the Board be vacated, and that a de novo Parole Board Release Interview in front of a new panel of Commissioners be held forthwith.