

Administrative Appeal Decision Notice

Inmate Name: UBILES, Anitha

Correctional Facility: Bedford Hills C.F.

NYSID No.: 4389888M

Appeal Control #: 11-352-10B

Dept. DIN#: 87 G 0070

Appearances:

For the Board, the Appeals Unit

For Appellant:

Cheryl Kates, Esq.  
P.O. Box 734  
Victor, N.Y. 14564


Board Member(s) who participated in appealed from decision: Ross, Ferguson, and Hernandez

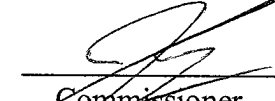
Decision appealed from: 11/2010 Denial of Discretionary Release with the imposition of a 24 month hold

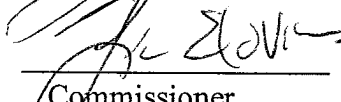
Pleadings considered: Brief on behalf of the appellant submitted on : 04/20/11  
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon: Presentence Investigation Report, Inmate Status Report, Interview Transcript,  
Parole Board Release Decision (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 for De Novo Interview  Modified to \_\_\_\_\_  
Commissioner

 Affirmed  Reversed for De Novo Interview  Modified to \_\_\_\_\_  
Commissioner

 Affirmed  Reversed for De Novo Interview  Modified to \_\_\_\_\_  
Commissioner

***If the Final Determination is at variance with Findings and Recommendation of Appeals Unit, written reasons for the Parole Board's determination must be annexed hereto.***

This Final Determination, the related Statement of the Appeals Unit's Findings and the separate findings of the Parole Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 11/21/11

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File  
P-2002(B) (5/2011)

STATE OF NEW YORK - BOARD OF PAROLE  
**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** UBILES, Anitha

**Facility:** Bedford Hills C. F.

**NYSID No.:** 4389888M

**Appeal Control #:** 11- 52-10B

**Dept. DIN#:** 87-G-0070

**Findings:**

Appellant, in an initial Board appearance interview on November 17, 2010, challenges her denial of release on parole, with the imposition of a 24 month hold. One of the arguments that appellant raises on appeal in support of a vacatur of the Board's decision is that there is a discrepancy about the number of months for which she has been incarcerated as set forth in the Inmate Status Report prepared for the Board's review regarding the subject Board appearance and the Parole Board Release Decision Notice concerning the Board's denial of parole to appellant as a discretionary matter. Such information set forth in the Inmate Status Report indicates that appellant had been incarcerated for 301 months, while the information set forth in the Parole Board Release Decision Notice states that appellant had been incarcerated for 239 months plus 314 days for jail time days, which amounts to approximately 10 additional months and two weeks. A review of the record reveals that appellant had been incarcerated for a period of time substantially greater than 239 months when she had her subject Board appearance.

Since there is a significant understatement in the Board's decision about the number of months for which appellant had been incarcerated when she had her subject Board appearance, appellant should be afforded a de novo Board interview with an accurate computation of her period of incarceration regarding her sentences for the instant offenses, including jail time and time in State prison as of the date of such initial Board appearance, namely, November 17, 2010.

**Recommendation:**

Accordingly, it is recommended that the appealed from decision be reversed.