

Administrative Appeal Decision Notice

Inmate Name: Cox, Paul

Facility: Woodbourne Correctional Facility

NYSID No.: 7415684Z

Appeal Control #: 02-260-11-B

Dept. DIN#: 95A3755

Appearances:

For the Board, the Appeals Unit

For Appellant:

Cheryl Kates Esq.
P.O. Box 734
Victor, New York 14564

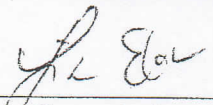
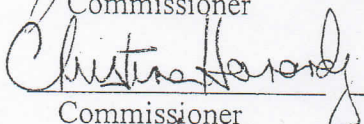
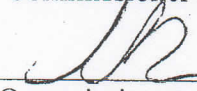
Board Member(s) who participated in appealed from decision: Crangle, Green

Decision appealed from: 2/2011-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Brief on behalf of the appellant received on July 20, 2011.
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), Sentencing Minutes

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

	<input type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> 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 11/8/11.

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

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STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Cox, Paul

Facility: Woodbourne Correctional Facility

NYSID No.: 7415684Z

Appeal Control #: 02-260-11-B

Dept. DIN# 95A3755

Findings:

Counsel for the appellant has submitted a brief to serve as the perfected appeal. For the reason explained below, only one issue raised will be addressed.

One of appellant's claims is the decision is based upon erroneous information; specifically, on the form 9026 decision, for weapon involvement, forcible contact, and guideline ranges, all of the information is erroneous.

In response, appellant is correct that the information is erroneous-though the errors are in his favor. Nonetheless, due to their being several errors, a de novo is warranted.

Recommendation:

Accordingly, it is recommended the decision of the Board be vacated, and a de novo interview in front of a different panel of Commissioners be held forthwith.