

Administrative Appeal Decision Notice

**Inmate Name:** Castro, Raymond

**Facility:** Otisville Correctional Facility

**NYSID No.:** 3824488Y

**Appeal Control #:** 06-363-10-B

**Dept. DIN#:** 83A2591

Appearances:

For the Division, the Appeals Unit

For Appellant:

Cheryl Kates Esq.

P.O. Box 734

Victor, New York 14564

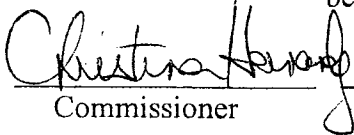
Board Member(s) who participated in appealed from decision: **Crangle, Ross**

Decision appealed from: 6/2010-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Letter-brief on behalf of the appellant received on November 22, 2010, and February 24, 2011, and letter received on December 2, 2010.  
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.

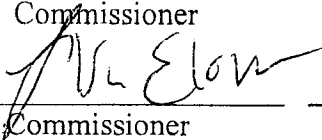
**Final Determination:** The undersigned have determined that the decision from which this appeal was taken be and the same is hereby

  
Commissioner

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 \_\_\_\_\_

***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 4/4/11  
JP

Distribution: Appeals Unit – Inmate - Inmate's Counsel - Inst. Parole File - Central File  
P-2002(B) (1/10)

STATE OF NEW YORK - EXECUTIVE DEPARTMENT - BOARD OF PAROLE

**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** Castro, Raymond  
**NYSID No.:** 3824488Y  
**Dept. DIN#:** 83A2591

**Facility:** Otisville Correctional Facility  
**Appeal Control #:** 06-363-10-B

**Findings:**

Counsel for the appellant has submitted two letter-briefs, and a letter, 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 Division of Parole did not properly seek out a letter from the defense lawyer in the criminal proceeding.

In response, the Division of Parole did send out a letter to the defense lawyer listed on the Pre-sentence Investigation Report. No response was received. According to the OCA website, no such lawyer exists. The sentencing minutes show the lawyer listed on the report was in fact not his lawyer. The lawyer found in the sentencing minutes has now submitted a letter in favor of parole. As such, since defense lawyer input is statutorily required, and was not considered, a de novo is warranted.

**Recommendation:**

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