

Administrative Appeal Decision Notice

Inmate Name: CARR, Jamie

Correctional Facility: Sing Sing C.F.

NYSID No.: 8306107P

Appeal Control #: 10-284-11B

Dept. DIN#: 98 A 4675

Appearances:

For the Board, the Appeals Unit

For Appellant:

Cheryl Kates, Esq.
PO Box 734
Victor NY 14564


Board Member(s) who participated in appealed from decision: Ferguson and Lemons

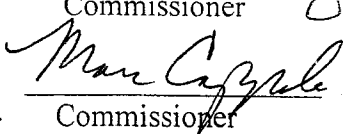
Decision appealed from: 10/2011 Denial of Discretionary Release with the imposition of a 24 month hold

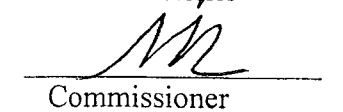
Pleadings considered: Brief on behalf of the appellant by Counsel received on: 03/30/12; Supplemental Brief by Letter from Counsel received on 04/02/12; Supplemental Brief by Letter from Counsel received on 07/18/12; Statement of the Appeals Unit's Findings and Recommendation.

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 11/16/12 ff.

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: CARR, Jamie

Facility: Sing Sing C.F.

NYSID No.: 8306107P

Appeal Control #:10-284-11B

Dept. DIN#: 98-A-4675

Findings:

Appellant, in a Board reappearance interview in October of 2011, challenges the Board's decision denying him release on parole, with the imposition of a 24 month hold. One of the issues that appellant raises is that the Board reviewed information in the presentence investigative report that was ordered redacted by the trial judge. Specially, the trial at the sentencing hearing ordered the second paragraph under the portion of the presentence investigative report denominated "Analysis of Offense and Criminal History" on page 5 thereof be redacted in its entirety. Such information that was ordered redacted had not been redacted when the Board had the presentence investigative report available for review.

Since the Board had information in the presentence investigative report that had not been redacted, the Board's decision should be vacated so that appellant be afforded a *de novo* Board interview requiring the Board to consider the redacted presentence investigative report, pursuant to the trial judge's order, together with considering all other required records for such *de novo* Board interview.

Recommendation:

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