

STATE OF NEW YORK- BOARD OF PAROLE

Administrative Appeal Decision Notice

Inmate Name: GREEN, Billy Joe

Correctional Facility: Groveland C.F.

NYSID No.: 5016559Z

Appeal Control #: 04-324-11B

Dept. DIN#: 84 B 2141

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: Smith and Greenan

Decision appealed from: 04/2011 Denial of Discretionary Release with the imposition of a 24 month hold

Pleadings considered: Brief on behalf of the appellant by Counsel submitted on: 10/03/11; 1st Supplemental Brief of Counsel Received on 02/27/12; 2nd Supplemental Brief of Counsel Received on 04/02/12; 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

[Signature] Affirmed Reversed for De Novo Interview Modified to _____
Commissioner

[Signature] Affirmed Reversed for De Novo Interview Modified to _____
Commissioner

[Signature] 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 9/17/12 RF

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:** GREEN, Billy Joe**Facility:** Groveland C.F.**NYSID No.:** 5016559Z**Appeal Control #:**04-324-11B**Dept. DIN#:** 84-B-2141**Findings:**

Appellant, in a Board Reappearance interview in April 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 failed to contact his defense attorney to request whether or not his attorney desired to submit a statement regarding appellant's scheduled Board appearance for discretionary release to parole supervision. Recently, appellant's defense attorney submitted a written statement concerning such matter. In view of the above, appellant should be afforded a de novo Board interview so that the Board shall make an in camera review of appellant's defense attorney's written statement.

Recommendation:

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