

Administrative Appeal Decision Notice

Inmate Name: Quinones, Sabu

Facility: Clinton Correctional Facility

NYSID No.: 5912483K

Appeal Control #: 10-180-11-B

Dept. DIN#: 91A3203

Appearances:

For the Board, the Appeals Unit

For Appellant:

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

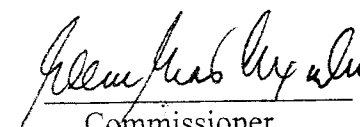
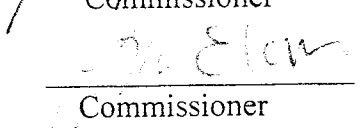
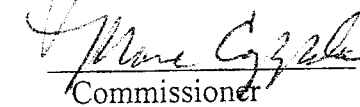
Board Member(s) who participated in appealed from decision: **Greenan, Hernandez**

Decision appealed from: /2012-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Brief on behalf of the appellant received on February 27, 2012, and Supplemental letters received on April 2, 2012 and April 30, 2012.
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

 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	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> 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 11/4/13 EF.

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: Quinones, Sabu

Facility: Clinton Correctional Facility

NYSID No.: 5912483K

Appeal Control #: 10-180-11-B

Dept. DIN# 91A3203

Findings:

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

One of appellant's claim is the Board failed to follow the 2011 amendments to the Executive Law in that no risk and needs assessment was done.

In response, on October 5, 2011, Chairwoman Evans set forth procedures concerning the Board's use of a risk and needs assessment for Board determinations for discretionary release to parole supervision cases, in view of amended Executive Law 259-c(4) in 2011. Since the subject Board interview occurred prior to October 5, 2011, appellant should be afforded a de novo Board interview, including the Board's use of a risk and needs assessment for its determination about whether or not to grant appellant discretionary release to parole supervision.

Recommendation:

Accordingly, it is recommended the decision of the Board be vacated, and that a de novo Parole Board Release Interview in compliance with the 2011 amendments to the Executive Law, in front of a different panel of Commissioners, be conducted forthwith.