

**Administrative Appeal Decision Notice**

**Inmate Name:** Witkowski, Glen

**Facility:** <sup>Washington</sup> Bare Hill Correctional Facility

**NYSID No.:** 8193875K

**Appeal Control #:** 02-119-12-B

**Dept. DIN#:** 04A5751

Appearances:

For the Board, the Appeals Unit

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


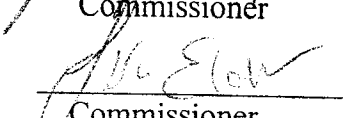

Board Member(s) who participated in appealed from decision: **Crangle, Greenan**

Decision appealed from: 1/2012-Denial of discretionary release, with imposition of 18 month hold.

Pleadings considered: Letter-brief on behalf of the appellant received on June 4, 2012, and Supplemental letter received on August 8, 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 _____
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*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 2/8/13 CF.

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

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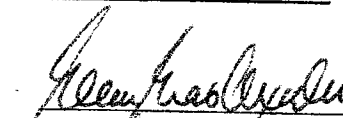
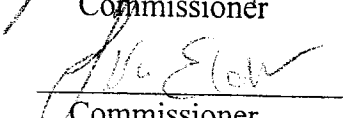

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STATE OF NEW YORK - BOARD OF PAROLE

**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** Witkowski, Glen

**Facility:** Bare Hill Correctional Facility

**NYSID No.:** 8193875K

**Appeal Control #:** 02-119-12-B

**Dept. DIN#** 04A5751

**Findings:**

Counsel for the appellant has submitted a letter-brief, and a supplemental 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 Board never contacted his lawyer from the criminal proceeding, which is required per Executive Law 259-(1)(a).

In response, appellant is correct that the lawyer who represented him at sentencing was never contacted by the Board. The Appeals Unit has sent out the required letter, and received a response. Based upon this response, a de novo interview is required in order to consider the information that was offered.

**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 held forthwith.