

Administrative Appeal Decision Notice

Inmate Name: Kirkpatrick, Christian

Facility: Woodbourne Correctional Facility

NYSID No.: 8384477Y

Appeal Control #: 05-035-12-SC

Dept. DIN#: 00A4596

Appearances:

For the Board, the Appeals Unit

For Appellant:

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



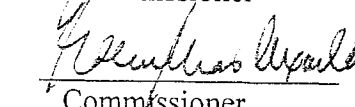
Board Member(s) who participated in appealed from decision: **Brown, Hagler, Smith, Ferguson**

Decision appealed from: 4/2012-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Brief on behalf of the appellant received on July 2, 2012, letter-brief received on August 23, 2012, and supplemental letter received on October 9, 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 2-21-13 CC

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:** Kirkpatrick, Christian

**Facility:** Woodbourne Correctional Facility

**NYSID No.:** 8384477Y

**Appeal Control #:** 05-035-12-SC

**Dept. DIN#** 00A4596

**Findings:**

Appellant in this case has two different counsel's. The first has filed a brief, while the second has filed a letter-brief, and supplemental letter. For the reason explained below, only one issue raised will be addressed.

One of appellant's claims is the decision is based upon faulty information. Specifically, the COMPAS document shows a homicide was involved. Appellant disputes that.

In response, a review indicates no homicide was involved in either instant offense. Thus, the risk and needs analysis was based at least partially upon major erroneous information. Accordingly, a de novo interview is warranted.

**Recommendation:**

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