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September 2019

### Administrative Appeal Decision - Almonte, Juan (2018-04-24)

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**Administrative Appeal Decision Notice****Inmate Name:** ALMONTE, JUAN**Facility:** Otisville Correctional Facility**NYSID No.:** [REDACTED]**Appeal Control #:** 09-091-17 B**Dept. DIN#:** 98A3050**Appearances:**

For the Board, the Appeals Unit

For Appellant:

Juan Almonte (98A3050)  
 Otisville Correctional Facility  
 57 Sanatorium Road, Box 8  
 Otisville, New York 10963

**Board Member(s) who participated in appealed from decision:** Ludlow, Drake, Demosthenes.**Decision appealed from:** 8/2017 Denial of Discretionary Release; 24-month hold.**Pleadings considered:**

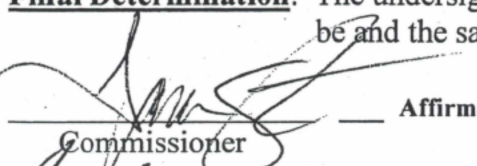


Brief on behalf of the Appellant submitted on: December 19, 2017.

Statement of the Appeals Unit's Findings and Recommendation.

**Documents relied upon:**

Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release  
 Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

**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 4/24/2018.  
 LB

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:** ALMONTE, JUAN

**Facility:** Otisville Correctional Facility

**NYSID No.:** 07130672P

**Appeal Control #:** 09-091-17 B

**Dept. DIN#:** 98A3050

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Appellant appeals the Board's decision to deny discretionary release on various grounds, among which is the argument that the Board's decision lacked sufficient detail and seemed to be based solely upon the serious nature of the crime committed. The Appeals Unit finds that this argument has merit in this particular case. It is, therefore, recommended that a *de novo* interview be scheduled before different Board members, with such interview to take place after receipt of the sentencing minutes from the sentencing court. Given that a *de novo* interview is being recommended, a response to Appellant's remaining arguments is not warranted.

**Recommendation:**

It is the recommendation of the Appeals Unit that the Board's decision be reversed and that a *de novo* interview be conducted before a panel of new Board members.