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Art. 78 Orders to Show Cause

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Art. 78 Order to Show Cause - Schwartz, Jacob (2020-07-17)

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At a Special Term Part 59 of the Supreme Court of the State of New York, held in and for the County of New York, at _____ New York, NY on the _____ day of July 2020.

FILED [172020]

PRESENT:

Hon. DEBRA A. JAMES
J.S.C.

JACOB B. SCHWARTZ,

Petitioner,

ORDER TO SHOW CAUSE

-against-

TINA M. STANFORD, as Commissioner of the New York State Board of Parole,

Respondent.

Upon the reading and filing of the annexed Verified Petition duly verified on July 6, 2020, and upon the affirmation of Arthur Z. Schwartz, dated July 7, 2020, and upon all of the papers and proceedings herein, ~~it is hereby~~

~~ORDERED, that~~ ^{LET} the Respondents ^{or their counsel} named hereinabove Show Cause before this Court at a IAS Part 59 to be held at the Courthouse located at 60 Centre Street, Rm. 331, New York, New York ^{via Skype for Business} on the 3rd day of August, 2020 at 11:00 AM of that day, or as soon ^{upon filing by any counsel of the standard request for} thereafter as counsel can be heard ~~should the Court schedule argument via electronic means~~, why ^{conference form at least two days} an Order should not be made and entered herein: ^{in advance of such date (SCF-conference @ nycourts.gov)}

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(a) Declaring unlawful, null and void the March 4, 2020 determination of the Board of Parole made with respect to the parole application of petitioner Jacob B. Schwartz, denying him parole at the end of the first year of his sentence;

(b) Directing, requiring and commanding Respondent to schedule a new Parole Hearing, to be conducted in according with the Executive Law of the State of New York, which properly addresses Petitioner's COMPAS rating, his Certificate of Earned Eligibility, the recommendations of his prison counselor, the charges of which he was convicted, his pre-imprisonment psychiatric evaluation, and all other statutory and regulatory factors, and to issue a new Determination within seven (7) days of that new Parole Hearing; and

(c) Granting such other and further relief as is just and equitable; and it is further

~~ORDERED, that Respondent be and is hereby ordered and directed to produce upon the hearing of this Order to Show Cause the entire record considered by the Board of Parole in its March 4, 2020 hearing on Petitioner's application for parole, and~~

DAS
BSC

~~BEING ALLEGED~~
SUFFICIENT CAUSE ~~APPEARING~~ THEREFORE, it is further ORDERED that Service ^{BY CPLR § 312-a} of a copy of this Order to Show Cause and Verified Petition with index number and date of filing endorsed thereon together with the papers upon which it is granted be made upon Respondent by ^{delivering} ~~leaving~~ a copy of the Order and all supporting papers at the Office of the New York State Attorney General, at her office at 120 Broadway, New York, New York 10004, and by sending a copy by Overnight Delivery Service to Respondent's office at 1220 Washington Avenue, Albany New York on or before July ²², 2020; and it is further

ORDERED, that any opposition papers be filed with this court electronically on or before July ³¹, 2020.

DAS
BSC

ENTER:

ORAL ARGUMENT

DIRECTED

~~DAS~~
JSC

~~Debra A. James~~
J.S.C. DEBRA A. JAMES

JUL 17 2020