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October 2019

### Administrative Appeal Decision - Walker, Lonnie (2017-10-24)

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STATE OF NEW YORK- BOARD OF PAROLE

**Administrative Appeal Decision Notice**

**Inmate Name:** Walker, Lonnie

**Facility:** Eastern Correctional Facility

**NYSID No.:** [REDACTED]

**Appeal Control #:** 04-150-17-B

**Dept. DIN#:** 95A4984

Appearances:

For the Board, the Appeals Unit

For Appellant:

Martha Raynor Esq.  
Lincoln Square Legal Services  
Fordham Law School  
150 West 62<sup>nd</sup> Street  
9<sup>th</sup> Floor  
New York, New York 10023

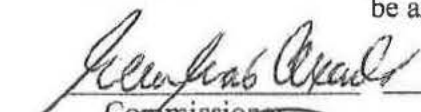
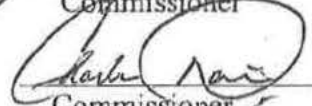

Board Member(s) who participated in appealed from decision: **Coppola, Stanford, W. Smith**

Decision appealed from: 4/2017-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Brief on behalf of the appellant received on September 5, 2017.  
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon: Presentence Investigation Report, Parole Board Report, Interview Transcript,  
Parole Board Release Decision (Form 9026), COMPAS, TAP/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 10/24/17 RF.

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:** Walker, Lonnie

**Facility:** Eastern Correctional Facility

**NYSID No.:** 7340479L

**Appeal Control #:** 04-150-17-B

**Dept. DIN#** 95A4984

**Findings:**

Counsel for the appellant has submitted a brief 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 decision violated the 8<sup>th</sup> amendment to the constitution, in that per the Hawkins decision, no youth and its attendant circumstances criteria appear in the Board decision.

In response, appellant is correct that the Parole Board decision omits this issue. As such, a de novo interview is recommended.

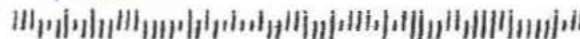
**Recommendation:**

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.

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
BOARD OF PAROLE - COUNSEL'S OFFICE  
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