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January 2020

### Administrative Appeal Decision - Pascal, Roberto (2017-08-21)

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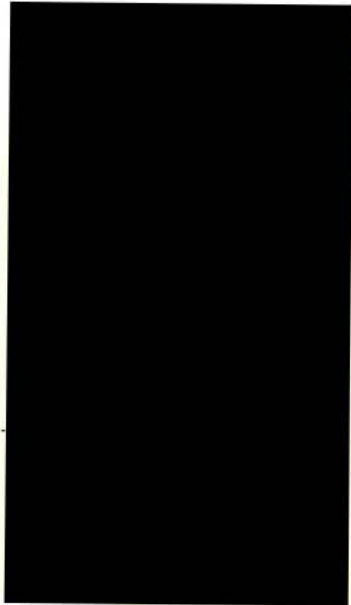
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STATE OF NEW YORK – BOARD OF PAROLE

Administrative Appeal Decision Notice



Inmate Name: Pascal, Roberto

Facility: Otisville Correctional Facility

NYSID No.: [REDACTED]

Appeal Control #: 03-137-17B

Dept. DIN#: 80-B-1082

Appearances:

For the Board: The Appeals Unit

For Appellant: Nora Carroll, Esq.  
The Legal Aid Society  
111 Livingston Street, 10th Floor  
Brooklyn, New York 11201

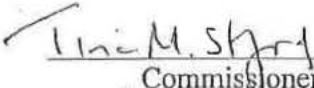


Board Member(s) who participated in appealed from decision: Smith, J., Coppola, Cruse

Decision appealed from: 2/2017 Denial of Discretionary Release with a 24-Month Hold.

Pleadings considered: Brief on behalf of the appellant received on June 20, 2017  
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon: Presentence Investigation Report, Parole Board Report, Interview Transcript, 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	___ Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	___ Modified to _____
 Commissioner	___ Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	___ Modified to _____
 Commissioner	___ Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	___ Modified to _____

*If the Final Determination is at variance with findings and recommendation of Appeals Unit, the written reasons for such determination shall be annexed hereto.*

This Final Determination, the related Statement of the Appeals Unit's Findings and separate findings of the Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 8/21/17 RF.

Distribution: Appeals Unit – Inmate - Inmate's Counsel - Inst. Parole File - Central File

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

**Inmate Name:** Pascal, Roberto

**Facility:** Otisville Correctional Facility

**NYSID No.:** 04092640N

**Appeal Control #:** 03-137-17B

**Dept. DIN#:** 80-B-1082

**Findings:** (Page 1 of 1)

Appellant challenges the February 2017 Board of Parole decision to deny release to parole. Among other things, Appellant argues a *de novo* interview is required because the Board relied on erroneous information about his criminal history.

A review by the Appeals Unit reveals that Appellant's contention is correct insofar as the Board appears to have had an inaccurate view of his criminal history. Specifically, the Board decision states that Appellant failed to benefit from prior efforts of rehabilitation. However, the record indicates Appellant had only served 15 days jail time for failure to pay fines for a gambling violation prior to the two in concert murders/robberies and other modest jail time after those offenses. Accordingly, a *de novo* interview is appropriate.

**Recommendation:**

It is the recommendation of the Appeals Unit that the Board's decision be vacated, and that a *de novo* Parole Board Release Interview be held in front of a different panel of Commissioners.