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Administrative Appeal Decision - Davis. Rowland (2020-06-08)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Davis, Rowland Facility: Otisville CF
NYSID: [REDACTED] Appeal Control No.: 09-035-19 B
DIN: 93-A-5756

Appearances: Erin Tomlinson, Esq.
CUNY School of Law
Main Street Legal Services
2 Court Square
Long Island City, NY 11101

Decision appealed: August 2019 decision, denying discretionary release and imposing a hold of 12 months.


Board Member(s) who participated: Corley, Agostini, Smith

Papers considered: Appellant's Brief received February 11, 2020


Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

Records 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 determine that the decision appealed is hereby:

 Affirmed Vacated, remanded for de novo interview Modified to _____
Commissioner

 Affirmed Vacated, remanded for de novo interview Modified to _____
Commissioner

 Affirmed Vacated, remanded for de novo interview Modified to _____
Commissioner

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 6/8/2020.
LB

Distribution: Appeals Unit – Appellant - Appellant's Counsel - Inst. Parole File - Central File
P-2002(B) (11/2018)

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Davis, Rowland

DIN: 93-A-5756

Facility: Otisville CF

AC No.: 09-035-19 B

Findings: (Page 1 of 1)

Appellant challenges the August 2019 determination of the Board, denying release and imposing a 12-month hold. The instant offense involved Appellant approaching the female victim from behind after she exited her vehicle and shooting her in the face when she screamed. Appellant attempted to place the victim in the rear seat and the gun went off, striking the victim in the chest. Appellant then took \$50 and jewelry from the victim, put the body in the trunk of the vehicle, and drove away, later throwing the gun into the sewer. Among other things, Appellant argues that the decision is stated in conclusory terms.

A review by the Appeals Unit reveals that the decision was confusing and lacked detail in denying parole. As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for *de novo* interview.