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Decision in CPLR Article 78 proceedings - Jean-Charles, Woody (2017-02-08)

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE**

X

**In the Matter of the Application of
WOODY JEAN-CHARLES,**

Petitioner,

NOTICE OF ENTRY

-against-

INDEX NO. 7131/2016

THE NEW YORK STATE BOARD OF PAROLE,

Respondent.

**For a Judgment Pursuant to CPLR Article 78
of the Civil Practice Law and Rules**

X

PLEASE TAKE NOTICE that the within is a true and complete copy of a Decision,
Order and Judgment together with notice of entry in this proceeding duly entered in the Office of
the County Clerk of Orange County on February 17, 2017.

Dated: Poughkeepsie, New York
February 28, 2017

ERIC T. SCHNEIDERMAN

Attorney General of the State of New York
Attorney for Respondent
1 Civic Center Plaza, Suite 401
Poughkeepsie, NY 12601
Telephone: (845) 485-3900

TO: Woody Jean-Charles, 93-A-8400
Petitioner Pro-se
Otisville Correctional Facility
57 Sanitorium Road
P.O. Box 8
Otisville, NY 10963-0008

SUPREME COURT-STATE OF NEW YORK
IAS PART-ORANGE COUNTY

Present: HON. CATHERINE M. BARTLETT, A.J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

In the Matter of the Application of
WOODY JEAN-CHARLES,

Petitioner,

-against-

THE NEW YORK STATE BOARD OF PAROLE,

Respondent.

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules.

To commence the statutory time
period for appeals as of right
(CPLR 5513 [a]), you are
advised to serve a copy of this
order, with notice of entry,
upon all parties.

Index No. 7131/2016

Motion Date: January 4, 2016

CLERK OF COURT
OFFICE

FEB 4 2016

RECEIVED

The following papers numbered 1 to 4 were read on this CPLR Article 78 proceeding for
a judgment vacating Respondent's March 22, 2016 decision denying parole for Petitioner, and
ordering a *de novo* parole hearing:

Order to Show Cause - Verified Petition / Exhibits	1-2
Answer and Return / Exhibits	3
Reply	4

Upon the foregoing papers the petition is disposed of as follows:

Petitioner seeks a judgment pursuant to CPLR §7804 vacating the March 22, 2016
decision of the Respondent New York State Board of Parole (hereinafter "Parole Board") which
denied Petitioner release on parole, and an order directing a *de novo* parole hearing. Petitioner

H

irrationality bordering on impropriety. The record explicitly shows that the Commissioners reviewed and considered information bearing on all of the pertinent statutory factors, including the circumstances of Petitioner's crime, his criminal history, his disciplinary record in prison, his rehabilitation efforts in prison, his letters of support, his deportation order, his post-release plans for living and employment, and the COMPAS Re-Entry Risk Assessment and Case Plan. The Board rendered a parole release decision in accord with the criteria set forth in Executive Law §259-i(2)(c)(A), and its conclusions are supported by the record.

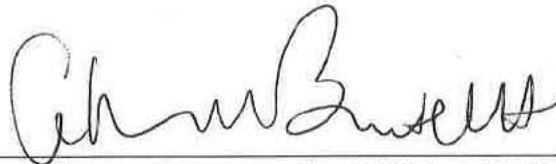
It is therefore

ORDERED, ADJUDGED AND DECREED, that the Petition is dismissed.

The foregoing constitutes the decision, order and judgment of the court.

Dated: February 8, 2017
Goshen, New York

E N T E R



HON. CATHERINE M. BARTLETT, A.J.S.C.

HON. C. M. BARTLETT
JUDGE NY STATE COURT OF CLAIMS
ACTING SUPREME COURT JUSTICE