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November 2019

### Decision in CPLR Article 78 proceedings - Jimenez, Pascacio (2017-07-31)

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At a term of the IAS Part of the Supreme Court of the State of New York,  
held in and for the County of Orange, at the 1841 Court House,  
101 Main Street, Goshen, New York 10924 on the 31st day of July, 2017.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

In the matter of the application of  
PASCACIO JIMENEZ, #98-A-2845

Petitioner,

-AGAINST-

NEW YORK STATE BOARD OF PAROLE,

Respondent.

VAZQUEZ-DOLES, J.S.C.

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

**DECISION, ORDER  
AND JUDGMENT**

INDEX NO. 576/2017

Motion dates: 6/19/17

Motion Seq. #2

The following papers numbered 1 - 35 were read in this special proceeding brought pursuant to CPLR Article 78 to review a determination of respondent, dated on or about September 6, 2016, which, upon administrative appeal, affirmed an earlier determination of respondent, dated March 22, 2016, which denied petitioner's release to parole

Amended Order to Show Cause- Affidavit in Support - Petition  
- Exhibits 1-3

1 - 6

Answer and Return - Exhibits 1-13

17 - 31

Reply - Exhibits A-C

32 - 35

RECEIVED  
OFFICE OF THE ATTORNEY GENERAL  
AUG 10 2017  
CLAIMS & LITIGATION  
POUGHKEEPSIE OFFICE

Upon the foregoing papers it is ORDERED and ADJUDGED that the petition is denied and the proceeding is dismissed, without costs or disbursements.

Petitioner is incarcerated after having pled guilty to Murder in the Second Degree. On July 30, 1996, the petitioner stabbed a 53 year old man who was walking towards the petitioner on the street. The petitioner had mistaken this victim for a man he had been fighting with earlier that

JGR

TO: PASCACIO JIMENEZ,  
98-A-2845 Dominick Cirillo  
Otisville Correctional Facility  
Box 8  
Otisville, New York 10963

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