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November 2019

### Decision in CPLR Article 78 proceedings - Green, Damon

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At a Special Term of the Supreme Court, held on October 21, 2016, in and for the County of Albany, at the Albany County Court House, Albany, New York.

PRESENT:

HONORABLE \_\_\_\_\_,  
Presiding

\_\_\_\_\_  
In the Matter of the Application of

DAMON GREEN, #93-A-3569,

*Petitioner,*

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

-against-

TINA M. STANFORD, CHAIRMAN NEW YORK  
STATE BOARD OF PAROLE,

*Respondent.*

**JUDGMENT/ORDER**

Index No. 4057-16

October 21, 2016

Upon reading the Petition and supporting papers, and upon reading the October 12, 2016 letter from the Attorney General's Office, wherein Respondent concedes that the Board of Parole's October 24, 2015 decision denying Petitioner release to parole supervision should be vacated, and after due deliberation, it is hereby

ORDERED that the October 24, 2015 parole release decision is vacated, and the matter is remanded back to the Board of Parole to conduct a *de novo* parole release interview within 60 days of notice of entry of the Court's order, and only those Commissioners who participated in the October 20, 2015 Board interview are precluded from participating in the *de novo* interview, and it is further

ORDERED that the Petition is hereby granted only to the extent described above, and the relief requested is denied in all other respects.

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_, 2016

ENTER:

\_\_\_\_\_  
HON. \_\_\_\_\_, J.S.C.

SUPREME COURT: STATE OF NEW YORK  
COUNTY OF ALBANY

In the Matter of the Application of  
DAMON GREEN, #93-A3569,

*Petitioner,*

For a Judgment Pursuant to Article 78 of the Civil  
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**PROPOSED  
JUDGMENT/ORDER**

**ERIC T. SCHNEIDERMAN**

Attorney General of the  
State of New York  
Attorney for Respondent

The Capitol  
Albany, New York 12224-0341  
518-776-2255  
Fax: (518) 915-7738  
(Not for service of papers)