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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
JORGE MONDRAGON - 02A1569,

DECISION AND ORDER

Petitioner,

INDEX NO. 8218/2016

-against-

NEW YORK STATE BOARD OF PAROLE,

Respondent,

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

-----X
P R E S E N T: HON. ELAINE SLOBOD, JSC

The following sets of papers numbered 1 to 4 were considered on the petitioner's application for a judgment (1) annulling the decision of the Parole Board to deny him parole, and (2) granting him a *de novo* hearing:

- Order to show cause; petition;
exhibits A-J 1-3
- Answer and return and exhibits 1-11
(exhibits 2, 3, 9, and 11 submitted
separately for *in camera* review) 4

Upon review of the foregoing, it is ORDERED that the petitioner's application is denied, and the petition is dismissed.

The record adequately supports the Parole Board's conclusion that the petitioner has a propensity for violence. The petitioner was carrying a gun while out on bail on an armed robbery charge, and he killed one individual and wounded another in the course of an argument.

Judicial review of determinations by the Board of Parole is narrowly circumscribed. *Huntley v Stanford*, 134 AD3d 937 (2d Dept 2015). The Parole Board's decision demonstrates that it considered all statutory factors (see *Dolan v New York State Board of Parole*, 122 AD3d 1058 [3d Dept 2014], lv app den 24 NY3d 915 [2015]), and the Parole Board's decision was not irrational. See *Jackson v Evans*, 118 AD3d 701 (2d Dept 2014).

This decision constitutes the order of the Court.

E N T E R

Dated: March 24, 2017
Goshen, New York


HON. ELAINE SLOBOD, JSC

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