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November 2021

### Decision in Art. 78 proceedings - Buckner, Cornelius (2021-01-14)

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To commence the 30-day 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.

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

-----X  
In the Matter of the Application of  
CORNELIUS BUCKNOR,

Petitioner,

**DECISION AND ORDER**

Index No.: 2020-54280

-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY  
SUPERVISION, ANTHONY J. ANNUCCI,  
ACTING COMMISSIONER and NEW YORK  
STATE BOARD OF PAROLE, TINA  
STANFORD, CHAIRWOMAN

Respondents.

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

-----X

Petitioner has moved pursuant to CPLR Article 78 challenging Respondent’s April 8, 2020 decision which denied Petitioner discretionary release to parole supervision. By letter dated January 12, 2021, Assistant Attorney General J. Gardner Ryan, advised that the Parole Board consented to a *de novo* consideration and the issuance of an order directing a *de novo* interview to determine Petitioner’s eligibility for discretionary parole release. Respondent requests that the Court allow sixty (60) days for the Board to conduct a *de novo* consideration. By e-mail dated January 14, 2021, Petitioner’s counsel indicated that Petitioner consents to an order annulling the

April 8, 2020 parole denial and ordering a *de novo* parole review within sixty days before parole commissioners who did not make the April 8, 2020 denial decision.

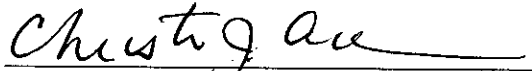
Accordingly, it is hereby

ORDERED that the Petition is granted to the extent that the Parole Board's April 8, 2020 determination is annulled; and it is further

ORDERED that the matter is remitted to Respondent for a *de novo* parole release interview and review which shall be conducted within sixty (60) days of the date of this Court's Decision and Order before a panel of the Board consisting of members who were not involved in the April 8, 2020 interview, and a decision is to be issued within fifteen (15) days of the date of such hearing.

The foregoing constitutes the Decision and Order of the Court.

Dated: Poughkeepsie, New York  
January 14, 2021

  
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CHRISTI J. ACKER, J.S.C.

To: All counsel via NYSCEF