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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

In the Matter of the Application of
JAQUAN KENNEDY

Petitioner,

For a judgment pursuant to Article 78 of the Civil
Practice Law and Rules,

-against-

TINA M. STANFORD, Chairwoman of the New
York State Board of Parole

Respondent.

Index No. 2020-54406

Christi J. Acker, J.S.C.

NOTICE OF ENTRY

PLEASE TAKE NOTICE that the accompanying Decision and Order was signed by the Honorable Christi J. Acker on February 8, 2021 and entered in the Clerk's Office of the Supreme Court, Dutchess County and added to the docket as NYSECF No. 25 on February 8, 2021.

Dated: February 8, 2021
New York, New York

PATTERSON BELKNAP WEBB &
TYLER LLP

/s/ Emma Ellman-Golan

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*Attorneys for Petitioner Jaquan
Kennedy*

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
JAQUAN KENNEDY,

Petitioner,

DECISION AND ORDER

Index No.: 2020-54406

-against-

TINA M. STANFORD, Chairwoman of the New
York State Board of Parole

Respondent.

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 October 16, 2019 decision which denied Petitioner discretionary release to parole supervision. By letter dated January 15, 2021 (and uploaded to NYSCEF on January 22, 2021), Assistant Attorney General Elizabeth A. Gavin, 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. See NYSCEF Doc. No. 23.

After reviewing the January 26, 2021 letter from Petitioner's counsel (NYSCEF Doc. No. 24), which opposed Respondent's letter submission on various grounds, the Court conferenced the matter with counsel on February 5, 2021. By e-mail dated February 8, 2021, Petitioner's counsel

consented to the issuance of a Decision and Order that grants the Petition to the extent of ordering a *de novo* interview in front of a panel of difference commissioners.

Accordingly, it is hereby

ORDERED that the Petition is granted to the extent that the Parole Board's October 16, 2019 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 complies with all applicable statutes and regulations and is held before a different panel than conducted the October 16, 2019 interview; and it further

ORDERED that the interview shall be conducted within sixty (60) days of the date of this Court's Decision and Order and a decision is to be issued within fifteen (15) days of the date of such interview.

The foregoing constitutes the Decision and Order of the Court.

Dated: Poughkeepsie, New York
February 8, 2021


CHRISTI J. ACKER, J.S.C.

To: All counsel via NYSCEF